UMTHETHO KAMASIPALA WAMANZI NOKUTHUTHWA KWENDLE

UMASIPALA WESIFUNDA SASE-HARRY GWALA

ULUNGISELELWE UMNYANGO WEZAMANZI KUMASIPALA WESIFUNDA SASE HARRY GWALA

ISAHLUKO 1: IZINCAZELO 9
1. IZINCAZELO 9
ISAHLUKO 2: 24
UHLINZEKO LWAMANZI KUMAKHASIMENDE NGAPHANDLE KWALAWO AMPOFU 24
2. Isicelo Sohlinzeko Lwamanzi 25
3. Izivumelwano Ezikhethekile Zokuhlinzekwa Kwamanzi 27
4. Ukushintsha Inhloso Yalokho Amanzi Asetshenziselwa Kona 28
5. Ukuqedwa kwesivumelwano sokuhlinzekwa ngamanzi 28
6. Ukuthuthukiswa Kwezakhiwo 28
7. Izindleko Ezikhokhwayo Ngohlinzeko Lwamanzi 29
8. Izinkokhelo Ezitholakala Ngokuhlinzeka Ngamanzi 29
9. Uhlinzeko Oluxhasiwe 29
10. Ukubizwa Kwezindleko Ezengeziwe 31
11. Inkokhelo yediphozithi 31
12. Izindlela zokunquma izimali okufanele zikhokhwe ngosuku olunqunyiwe 33
13. Ukukhokhelwa kwamanzi ahlinzekiwe 34
14. Inkokhelo Ephelele Neyokugcina Ye-Akhawunti 35
15. Isibopho Sezimali Ezifunekayo Nezikhokhwayo 35
16. Izinkokhelo ezinqwantshwe yibhange 35
17. Izinhlelo Zokukhuthaza 36
18. Amapay-Points Kanye Nama-Ejenti Avunyelwe 36
19. Ama-akhawunti 36
20. Isitifiketi Se-Clearance 38
21. Imibuzo Noma Izikhalazo Eziqondene Ne-Akhawunti 38

22. Ukudlulisa Izikhalazo Eziphikisana Nokutholakele Ngumasipala Maqondana Nemibuzo Noma Izikhalazo 39

23. Ukulinganiswa Okungabangelwa Izilinganiso Ezinamaphutha 40

24. Izikweletu Ezisilele Emuva 42

25. Izikweleti ezihlanganisiwe 42

26. Inzalo 43

27. Isaziso sokugcina 43

28. Ukulinganiselwa Noma Ukunqanyulwa Kohlinzeko Lwamanzi 44

29. Ama-Akhawunti asilele ngemuva ngaphezu kwezinsuku Ezingamashumi ayisithupha (60) 45

30. Okuvamile 46

31. Isivumelwano Sokukhokhwa Kwesikweletu Ngamancozuncozu 46

32. Izindleko Ezingeziwe, ukukhokhela ingxenye Kanye Nezitolimende 47

33. Ubude Bezivumelwano 48

34. Ukwehluleka Ukuhlonipha Izivumelwano 48

35. Ukuxhuma Kabusha Kwezinhlinzeko 49

ISAHLUKO 3: 51

UKUHLINZEKWA NGAMANZI KUMAKHASIMENDE AMPOFU 51

36. Ukufanelekela ukubhaliswa 51

37. Isicelo Sokubhalisa 51

38. Ukugunyazwa Kwesicelo 52

39. Imibandela 53

40. Isicelo Sonyaka 53

41. Uhlinzeko Oluxhasiwe Lwabathengi Abampofu 54

42. Ukuxhaswa kohlinzeko lomxhaso 54

43. Izikweletu Ezisilele Emuva Zabathengi Abampofu Uma Kuvunywa Isicelo 55

44. Ukucwaningwa Kwamabhuku 56

45. Ukwesula Ukubhalisa ... 56
ISAHLUKO 4: IZIMO EZIPHUTHUMAYO ... 59
46. Isimemezelo Sezimo Eziphuthumayo ... 59
ISAHLUKO 5: AMAZINGA OHLINZEKO ... 62
47. Amazinga ohlinzeko ... 62
ISAHLUSO 6 : IMIBANDELA YOKUHLINZEKA NGAMANZI ... 64
48. Ukuhlinzeka Ngamapayipi Okuxhuma ... 64
49. Indawo Yepayipi Lokuxhuma ... 64
50. Ukuhlinzekwa Kokuxhunywa Kwamanzi Okukodwa okunikezwa amakhasimende Amaningana Ezakhiweni Ezifanayo ... 65
51. Ukunqanyulwa Kokufakwa Kwamanzi Kusuka Kwi-Payipi Lokuxhuma ... 66
52. Ubuningi, izingaqophelo kanyenomfutho ... 66
53. Ukuvivinywa Komfutho Kuzinhlelo Zokunikezwa Kwamanzi ... 67
54. uKungcola Kwamanzi ... 67
55. ukuncishiswa kwamanzi ... 67
56. Izimo Ezithile Zokuhlinzekwa ... 68
57. Ukukala inani lamanzi elihlinzekiwe ... 70
58. Inani lamanzi elihlinzekelwe ikhasimende ... 72
59. Isilinganiso esikhethekile ... 74
60. Azehliswa izimali zokukhokhelwa amanzi achithekile ... 75
61. Ukucwaningwa kwamanzi ... 75
62. Ukugunyazwa Komsebenzi Wokufaka ... 76
63. Abavunyelwe Ukufaka Nokwenza Eminye Imisebenzi ... 77
64. Izinhlinzeko Nokunakekelwa Kokufakwa Kwamanzi ... 77
65. Izidingo Zobuchwepheshe Zokufakwa Kwamanzi ... 78
66. Ukusetshenziswa kwamapayipi nokufakwa kwamanzi kufanele kugunyazwe 78

67. Ukufaka uPhawu Ezikhumuleni Zokufakwa Kwamanzi Kanye Nezinto Ezisetshenziswayo 79

68. Ukuqondiswa Kwesidingo Samanzi 80

69. Ukuhlinzekwa Kwamanzi Kumakhasimende Amaningana 80

70. Amanzi Ahlinzekwa Ngompompi Omkhulu KaMasipala Wokucisha Umlilo (Hydrant) 80

71. Ukwazisa ngamapitsi 81

72. Ukuxhunywa Kwezinsiza Zokucisha Umlilo Kuzovunywa Ngumasipala 82

73. zinhlinzeko Ezikhethekile 83

74. Ukufakwa Okumbaxambili Nokuhlanganisiwe 83

75. Amapayipi okuxhuma izinhlinzeko Zokucisha Umlilo 84

76. Amavalvu Namamitha Kumapayipi Okuxhuma 84

77. Amamitha Emapayipini Wokuxhuma Isicimamlilo 84

78. Ukufakwa Kwesicishamlilo Esifafazayo 85

79. Ithangi Eliyinhloko Yamanye Noma Ukuhlinzekwa Okumbaxambili Okusuka Epayipini Elikhulu 85

80. Ukuvalwa Kompompi Bamanzi Bokucisha Umlilo Abazimele 85

ISAHLUKO 7: IMIBANDELA YOHLINZEKO LOKUTHUTHWA KWENDLE 86

81. Isibopho sokuxhuma Kuhlelo Lokuthuthwa Kwendle 86

82. Ukunikezwa Kokokuxhuma Kwendle 87

83. Indawo Yokuxhuma Indle 88

84. Ukuhlinzekwa Kwepayipi Elilodwa Lokuxhuma Lamakhasimende Amaningi Endaweni Eyodwa 89

85. Ukuxhuma Phakathi Kwezakhiwo 89

86. Ukunqanyulwa Kokuxhuma Indle 89

87. Amazinga Ohlinzeko Lwezenhlanzeko 90

88. Ukukalwa Kobuningi Bamanzi Angcolisiwe Asekhaya Akhishwayo 90

89. Ukukalwa Kobuningi Nokunqunywa Kwekhwalithi Yokukhishwa Kokungcola Kwezimboni 90

90. Ukuncishiswa Kwenani Elikaliwe Lamanzi Angcolie Akhishiwe 94

91. Imali Ekhokhwayo Maqondana Nezinsizakalo Zokuthuthwa Kwendle “Ezisendaweni” 95

92. Ukufaka Amapayipi Okuchitha Amanzi 95

93. Unqanyulwa Kokufakwa Kwamapayi Okuchitha Amanzi 96

94. Ukunakekelwa Kokufaka Kwamapayipi Achitha Amanzi 97

95. Izidingo Zobuchwepheshe Zokufakwa Kwamapayipi 97

96. Izindawo Zokuchitha Amanzi 98

97. Ukuvaleka kwestamkoko 98

98. Izicupho Zikagrisi 99

99. Izicupho Zegrisi Zezimboni 100

100. iMishini Yokupompa Indle 101

101. Ukufakwa kwendawo yokuthuthwa indle 103

102. Izindlu zangasese ezishaya umoya 103

103. Amathangi Abolisa Indle Nezikhumulo Zokwelapha 104

105. Amathangi Okulonda 106

106. Ukusebenza Nokunakekelwa Kohlinzeko Lwezindawo Zokuthuthwa Kwendle 108

107. Amathangi Okulonda Nawokubolisa Indle Angasasebenzi 108

108. Ukuvunyelwa Kokukhishwa Kwamanzi Angcolile Ezimboni 108

109. Ukuhoxiswa Kokuvunyelwa Ukukhipha Amanzi Angcolile Ezimboni 109

110. Amaqophelozinga Wezimiso Zokulahlwa Kwamanzi Angcolile Ezimboni . 110

111. Imibandela Yokukhishwa Kwamanzi Angcolile Ezimboni 111

112. Ukwamukelwa Kwendle Okulethwa Ngenlela Yomgwaqo (Road Haulage) 112

113. Ukuvunyelwa ukulethwa kwendle Ngendlela Yomgwaqo 112
114. Ukuhoxiswa Kwemvume Yokulethwa Kwendle Ngendlela Yomgwaqo 113
115. Imibandela Yokulethwa Kwendle Ngendlela Yomgwaqo 113
116. Izitebele Nezindawo Ezifanayo 113
117. Ukulahlwa Kokudla Ngemishini noma Amanye Amayunithi Okulahla 114
118. Ukugunyazwa Komsebenzi Wokufaka 114
119. Abantu Abavunyelwe Ukwenza Ukufaka Noma Eminye Yemsebenzi....... 115
120. Ukusetshenziswa Kwamapayipi Nokufakwa Kwamanzi Kufanele Kugunyazwe 116
121. Ukuhlolwa Kokufakwa Kwendawo Yokuchitha Amanzi 117
122. Ukuphathwa Kwezimfuno zamanzi 118
ISAHLUKO 8: IMISEBENZI YAMANZI ENGAGUNYAZIWE 119
123. izinhlinzeko Ezingagunyaziwe 119
124. Ukuphazanyiswa Kwengqalasizinda Yokuhlinzekwa Zamanzi 120
125. Ukuvinjelwa Kokutholakala Kwengqalasizinda Sokuhlinzekwa Kwamanzi 120
126. Ukuxhuma kabusha okungekho emthethweni 121
127. Ukusingathwa Kwamanzi 122
128. Ukukhishwa okungagunyaziwe futhi okungekho emthethweni 122
129. Ukuxhuma kabusha ngokungemthetho 126
130. Amapayipi Asemigwaqweni Noma Ezindaweni Zomphakathi 126
131. Ukusetshenziswa Kwamanzi Okuvela Emithonjeni Ngaphandle Konhlelo Lokuphakelwa Kwamanzi 126
132. Ukusetshenziswa kohlinzeko Zokukhucululwa Kwendle Ezisendaweni Okungaxhunyiwe Uhlelo Lokuthuthwa Kwendle 128
ISAHLUKO 9: IZAZISO 129
133. Amandla Okunikeza Izaziso Nokuhambisana Nazo 129
ISAHLUKO 10: IZIKHALAZO 131

134. Izikhalazo Ngezinqumo ZikaMasipala 131
ISAHLUKO 11: AMACALA 132
135. Amacala 132
ISAHLUKO 12: IMIBHALO 133
147 Ukusayinwa Kwezaziso Nemibhalo 133
136. Ukuhlinzekwa Kwezaziso 133
137. Ukuqinisekiswa Kwemibhalo 134
138. Ubufakazi Obungakahlolwa (Prima Facie Evidence) 134
ISAHLUKO 13: ABALAMULI BEZINKONZO ZAMANZI 135
139. Ukubhalisa 135
140. Ukuhlinzekwa ngamanzi 135
141. Imali Ekhokhwayo Yezinkozo Zamanzi Anikeziwe 135
ISAHLUKO 14: IZIBONELELO EZIJWAYELEKILE 136
142. Ijoka Lokuhambisana Nale Mithetho Kamasipala 136
143. Ukuhlinzekelwa Kwemininingwane 136
144. Amandla Okungena Nokuhlola 136
145. Ukuxolelwa Esikweletini 137
146. Ukukhululwa 137
147. Ukungqubuzana Komthetho 138
148. Ukuhlelwa Kwesikhashana 138
149. Ukuchithwa Kwemithetho Kamasipala Ekhona Yezinkonzo Zamanzi 139
150. Isihloko Esifingqiwe Nokuqala Kokusebenza 139

ISAHLUKO 1: IZINCAZELO

1. IZINCAZELO

Ngenhloso yale mithetho kamasipala, noma yiliphi igama noma izinkulumo ezinikezwe incazelo ku-Water Services Act, Act No 108 of 1996), i Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) noma i National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) ziyoba nencazelo efanayo kule mithetho kamasipala ngaphandle uma ingqikithi isho okuhlukile, futhi igama elibhekiswe kobunye ubulili lizofundwa ngokufanayo nakobunye ubulili-

"**indawo yokuhlala**" kunanoma iyiphi indawo, kusho isakhiwo noma ingxenye yesakhiwo ehlala noma enabantu noma ehloselwe ukuhlala noma ukusetshenziselwa noma iyiphi enye injongo;

"I-Akhawunti" kusho isikweletu samanzi ahlinzekiwe.

"**UMthetho**" kusho uMthetho Wohlinzeko lwamanzi, 1997 (uMthetho Nombolo 108 ka-1997), njengoba uchitshiyelwa ngezikhathi ezithile;

"**Isivumelwano**" kusho izibopho zesivumelwano sobudlelwano phakathi kukamasipala nekhasimende kungakhathaliseki sibhaliwe noma sithathwa njengokuhlinzekiwe emithethweni kamasipala ephathelene nokulawulwa kwesikweletu nokuqoqwa kwezikweletu;

"**Imali ekhokhwayo**"kusho inani (kubalwa nezindleko zokuhlola), izindleko, intela noma uxhaso olunqunywa ngumasipala;

"Okugunyaziwe"kusho lokho okubhaliwe okugunyazwe nguMasipala;

“Indawo yokuphakela” kusho noma iyiphi indawo ngaphakathi noma ngokwengxenye engaphakathi kwendawo engaphansi kwegunya likamasipala lapho insiza yamanzi iphakelwa khona;

“Izikweletu ezisilele emuva” kusho noma isiphi isikweletu esingakhokhiwe sekhasimende ngaphambi kosuku olubekiwe maqondana nohlinzeko lwamanzi;

“Umsebenzi ogunyaziwe” kusho**—**

(a) noma yimuphi umuntu ogunyazwe ngumasipala ukwenza noma yisiphi isenzo, indima noma umsebenzimgomo, noma ukusebenzisa noma yimaphi amandla ngaphansi kwalemithetho kamasipala;

(b) yinoma yimuphi umuntu ogunyazwe umasipala ukwenza amalungelo athile, imisebenzimgomo nezibopho maqondana nokuhlinzekwa kwamanzi; noma

(c) yimuphi umuntu oqokwe ngumasipala ngonkwenkontileka ebhalwe phansi njengomhlinzeki wamanzi kubathengi ngaphansi kwakhe, ngobubanzi obugunyaziwe kuleyo nkontileka.

“Ukusetshenziswa okusesilinganisweni” kusho ukusetshenziswa kwamanzi okujwayelekile komthengi ngesikhathi esithile, futhi kubalwa ngokuhlukanisa kathathu inani elilinganiselwe lokusetshenziswa kwamanzi yilowo mthengi ezinyangeni ezintathu ezedlule;

“Indlela engcono kakhulu ongayisebenzisa ”kusho indlela yokukhetha enikeza inzuzo enkulu noma edala umonakalo omncane kakhulu kwimvelo yonkana, ngenani lemali elamukelekile emphakathini, esikhathini esizayo kanye nasesikhathini esifushane;

“ipitsi/umthombo wokuzenzela wamanzi” kusho umgodi ombiwe phansi ngenhloso yokudonsa, ukuthola umgudu wamanzi noma ukusebenzisa amanzi ahamba ngaphansi komhlaba kuhlanganise nesiphethu;

“**IMithethonqubo Yokwakha**” kusho iMithethonqubo Kazwelonke Yokwakha eyenziwe ngokwemigomo ye-National Building Regulations and Building Standards, 1977 (Act No 103 of 1977, njengoba kushicilelwe;

“izindleko” kusho intela, inkokhiso, uhlelo lwentela, isilinganiso esifanayo sentela, noma uxhaso olunqunywe ngumasipala;

“**Ihlo lesihlanzo**” kusho noma iyiphi indlela yokungena ngaphakathi kwepayipi elihlinzekelwe ukuhlanzwa kwangaphakathi;

“ukucima nokuhlanza”kusho ukufakwa kwamanzi asetshenziselwa ukucisha umlilo futhi nezinhloso zasemakhaya, zokuhweba kanye nezezimboni;

“ikhasimende elingusomabhizinisi” kusho noma yiliphi ikhasimende ngaphandle kwekhasimende elisebenzisela amanzi ngokwasekhaya kanye nomthengi ompofu, kuhlanganisa, ngaphandle komkhawulo, ibhizinisi, izimboni, uhulumeni kanye nezikhungo ezingabathengi;

“**indawo yokuxhumana**” kusho indawo lapho kuhlangana khona umsele wamanzi kanye namapayipi endle.

“**Ipayipi lokuxhuma indle**” kusho ipayipi eliphethwe ngumasipala futhi lixhunywe ngumasipala ngenhloso yokudlulisa indle kusuka emseleni wamanzi esakhiweni kuya esitamkokweni ngale komngcele walezo zakhiwo noma ngaphakathi kwendawo eyisiqeshana noma ngaphakathi kwendawo enemvume yokusetshenziswa noma ngesivumelwano;

“**Ukuxhuma**” kusho indawo lapho ikhasimende lizuza khona uhlinzeko lwamanzi;

“Ipayipi lokuxhuma” kusho ipayipi, ubunikazi balo bunikezwe umasipala futhi lafakwa nguyena ngenhloso yokudlulisa amanzi asuka epayipini elikhulu aye ekufakweni kwamanzi asekhaya, futhi kuhlanganisa “ipayipi lokuxhumana” okukhulunywa ngalo ku-SANS 0252 Part I;

“Ithangi lokulondoloza” kusho ithangi elimboziwe elisetshenziselwa ukwamukela nokugcina okwesikhashana indle futhi okudinga ukuthululwa ngezikhathi ezithile;

“**ikhasimende”** kusho umuntu umasipala enze naye isivumelwano sokuhlinzekela ngosizo lwamanzi njengalokhu kuhlinzekwe emithethweni kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu;

“**Ukuzimisela**” kusho ukuzimisela kukamasipala noma yinoma yimuphi umuntu owenza ukuzimisela ngokwemigomo yalemithetho;

“**Ohluleka ukukhokha**” kusho ikhasimende elisilele emuva ngezikweletu zikamasipala;

“**ikhasimende elisebenzisela amanzi ngokwasekhaya**” kusho ikhasimende elisebenzisa amanzi ukufeza izinto zasekhaya;

“**Izinjongo zasendlini**” maqondana nokuhlinzekwa kamanzi, amanzi ahlinzekelela ukuphuza, ukugeza kanye nezinjongo zokupheka ezakhiweni ezisetshenziswa ikakhulu ngezinjongo zasekhaya

“ipayipi lokuchitha amanzi,” kusho leyo ngxenye yokufakwa kwepayipi elihambisa indle ngaphakathi kwezakhiwo;

“Ukufakwa kwamapayipi achitha amanzi” kusho uhlelo olutholakala kunoma iyiphi indawo olusezandleni zomnikazi wayo futhi olusetshenziselwa noma okuhloswe ukuthi lusetshenziselwe noma olumayelana nokwamukela, ukugcina, ukwelashwa noma ukuhambisa indle kuleyo ndawo iye lapho kuxhunywa khona futhi kuhlanganisa amapayipi okuchitha amanzi, izinto ezifakwa ngaphakathi, izinto ezisetshenzisayo, amathangi endle, amathangi okulondoloza izindlu zangasese zomgodi namaphampu angasese ahlanganisa noma ahambisana nezinhlelo ezinjalo;

“**Umsebenzi wamapayipi okuchitha amanzi**” kuhlanganisa noma yikuphi ukuchithwa kwamanzi, ukufaka indle, ukuphampela indle endaweni ephakeme, izinto zokuhambisa amanzi, imfucuza noma elinye ipayipi noma yimuphi umsebenzi oxhumene nokukhishwa koketshezi noma okuhlonzile kunoma yiliphi ipayipi lokuchitha amanzi noma kungenjalo okuxhunywe namapayipi okuchitha amanzi anoma iyiphi indawo;

“**Indawo yokuhlala**" kusho indawo enamakamelo ahlanganisiwe, kufaka phakathi ikhishi noma indawo yokugeza, eyakhelwe ukuhlala umndeni owodwa, kungakhathalekile ukuthi indawo yokuhlala umndeni owodwa noma ingxenye yesakhiwo esinezindawo zokuhlala ezimbili noma ngaphezulu

“Usuku lokukhokha” kusho usuku lokukhokha isikweletu esifanele ukukhokhwa yikhasimende, esiqondene nalolosuku olungeke lwedlule ngezinsuku ezingamashumi amabili nanye (21) ngemuva kosuku i-akhawunti ethunyelwe ngalo kwikhasimende nganoma yiziphi izindlela ezihlongozwe esigabeni sika56 somthetho;

“**Okungcolileyo**” kusho noma yiluphi uketshezi noma ngabe luxube ngokuncane noma luxube ngokuhlukahukene;

“unjiniyela” kusho unjiniyela kamasipala, noma omunye umuntu ogunyazwe ukuba ammele esikhundleni sakhe;

“okuphuthumayo” kusho noma yisiphi isimo esibeka engcupheni noma ingozi empillweni, ukuphila, imvelo noma impahla;

“isimo Esiphuthumayo” kusho isimo, uma singavunyela ukuba siqhubeke, sibeke ubungozi obukhulu, usongo, isithiyo noma ingozi ekusetshenzisweni kwamanje noma esikhathini esizayo kwezimali noma ekusimameni kukamasipala, noma kuhlinzeko oluthile lwamanzi;

“**izindleko zemvelo”** kusho izindleko zazo zonke izinyathelo ezidingekayo zokubuyisela imvelo isimweni sayo ngaphambi kwesigameko esingaholela ekulimaleni;

“ukusetshenziswa okucatshangelwayo” kusho lokho okusetshenziswa ikhasimende, lapho ukusebenzisa kwalo lokho kungalinganiswanga ngesikhathi esithile kuthathwa njengokusetshenzisiwe; lokho kulinganiselwa ngokucabangela izinto ezithathwa njengezifanele umasipala futhi okuhlanganisa ukusetshenziswa kokuhlinzeka ngamanzi ngabo bonke abasebenzisi bohlinzeko lwamanzi endaweni lapho izinsizakalo zinikezwa khona ngumasipala, ezingeni elifanele lensizakalo, ngesikhathi esithile;

"**ukufaka isicisha mlilo**” kusho ukuxhunywa kwamanzi enzelwe ukucisha umlilo kuphela;

“**Umsele Wamanzi Wefrench**” kusho umgodi owenzelwe ukwenza amanzi amumathwe yinhlabathi kancane ukulahla indle namanzi angcolile avela ethangini lendle;

“Umgudu wokuhambisa indle onamandla amakhulu” kusho umgudu wokuhambisa indle yezimboni onamandla noma izinga elingaphezu kwaloko okungcolileyo okujwayelekile kwasendlini lapho kungakhokhiswa inani elithile njengoba kubalwe ngokuya ngoHlelo C;

“Indlu”kusho uphiko lomndeni, njengoba kunqunywa ngumasipala njengokwakha indlu ejwayelekile ngokubheka inani labantu abakha umuzi, ubudlelwano phakathi kwamalungu omuzi, iminyaka yabantu abangamalungu awo nanoma yini enye umasipala ayibona ifanelekile;

“ikhasimende elimpofu” kusho ikhasimende lasekhaya okufanelekayo ukuba-njalo, futhi obhaliswe kumasipala njengomthengi ompofu ngokwe-mithetho kamasipala;

“**ukuxhuma okungekho emthethweni**”, kusho ukuxhunywa kwanoma yiluphi uhlelo, lapho uhlinzeko lwamanzi lungagunyaziwe noma lungavunyelwe umasipala;

“**Ingqalasizinda**” kusho izakhiwo, ukufakwa kwezinto ezidingekayo ekunikezweni kohlinzeko lwamanzi, noma ukusebenza komphakathi kubandakanya, kodwa kungagcini lapho, izikhungo, ukufakwa noma okokusebenza okuphathelene namanzi, ugesi, ezokuthutha, ukuthuthwa kwendle, igesi kanye nokulahlwa kwemfucuza:

“Ukungcola kwezimboni” kusho ukungcola okuvela ekusetshenzisweni kwamanzi ezimboni futhi kufaka phakathi, ngokwezinhloso zalemithetho kamasipala, nanoma yikuphi ukungcola ngaphandle kokungcola okujwayelekile okuvamile kwasekhaya noma kwesiphepho semvula.

“Ngokwezinhloso zezimboni” kusho maqondana nokuhlizekwa kwamanzi ehlinzekelwa noma yiziphi izakhiwo ezithathwa njengezezimboni njengoba kuchaziwe ku General Administrative Regulations, njengoba kushicilelwe ngokwemigomo ye-Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

“Umsebenzi wokufaka” kusho noma yimuphi umsebenzi owenziwe maqondana nokufakwa kwamanzi, kubandakanya ukwakhiwa, ukuvuselelwa, ukuthuthukiswa kanye nokunakekelwa;

“Inzalo” kusho inzalo engabekwa nguNgqongqoshe Wezobulungiswa ngokwesigaba sokuqala so-Mthetho we-Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975);

“Umgodi" kusho noma iyiphi indawo yokungena ngaphakathi kwepayipi lendle elenzelwe inhloso yokugcinwa nokuhlanzwa kwengaphakathi;

“ipayipi elikhulu” kusho ipayipi, kodwa kungelona ipayipi lokuxhuma, okungelikaMasipala futhi elisetshenziselwa ukuhlinzeka amanzi emakhasimendeni;

“Indlela yokukala” kusho noma yiliphi isu, inqubo, indlela yokwenza, izinto zokusebenza noma ukufakwa okuvumela ubuningi bamanzi ahlinzekiwe ukuthi bubalwe futhi kuhlanganisa noma iyiphi indlela, isu noma indlela yokwenza lapho inani lilinganisiwe noma licatshangiwe;

““**Imitha”** kusho imitha lamanzi njengoba kuchazwe yimithethonqubo eshicilelwe ngokwemigomo yoMthetho i-Trade Metrology Act, 1973 (Act No 77 of 1973) noma, esimweni samamitha amanzi osayizi abangaphezu kuka-100 mm, indlela elilinganisa ubuningi bamanzi adlula kuyo, kuhlanganise nemitha lamanzi akhokhelwa kusengaphambili (pre-paid);

“**Umasipala**” kusho**-**

(a) umasipala wesifunda iSisonke osungulwe ngokwesigaba seshumi nambili (12) somthetho we-Structures Act kanye nalabo abathatha ngokulandela; noma

(b) ngokuya ngamalungiselelo anoma yimuphi omunye umthetho futhi uma kucacisiwe noma kusho ukuthi kuyadingeka noma kuvunywe yilo mthetho, imenenja kamasipala, maqondana nokwenziwa kwanoma yimuphi umsebenzi, noma ukusetshenziswa kwanoma yimuphi umsebenzi, isibopho, noma igunya ngokwemigomo yemithetho kamasipala noma omunye umthetho; noma

(c) i-ejenti egunyaziwe ngumasipala wesiFunda iSisonke;

"Umasipala" kusho umasipala njengoba kusho esigabeni sika-157(1) soMthethosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996;

"Umphathi kamasipala" kusho umuntu oqokwe ngumasipala njengomphathi kamasipala ngokwesigaba sika-82 se-Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) futhi kufaka phakathi noma yimuphi umuntu onikezwe amandla ngumphathi kamasipala, ukwenza noma umsebenzi kodwa okuyobe kuqondene nalawo mandla adlulisiwe, ukwenza noma umsebenzi obhekene nomuntu othize, kodwa mayelana namandla adlulisiwe, ukwenza nmba umsebenzi;

"**uhlinzeko lwamanzi**" kusho, ngenhloso yale mithetho kamasipala, izinhlinzeko ezinikezwe ngumasipala, okufaka phakathi ukuthuthwa kukadoti, ukuhlinzekwa ngamanzi, ukuthuthwa kwendle, izinsizakalo zikagesi kanye nezintela noma enye yalezi ezibhalwe ngenhla;

"umhlali" kusho umuntu ohlala kunoma iyiphi indawo (noma ingxenye yayo), isiza, isakhiwo noma emagcekeni futhi kuhlanganisa umuntu, ngokuthola komunye umhlomulo noma umholo, evumela omunye umuntu ukuba asebenzise noma ahlale endaweni (noma iyiphi ingxenye) yayo, isakhiwo, noma amagceke;

“**imisebenzi yokuthuthwa kwendle endaweni**” kusho noma yiziphi izinsizakalo zokuthuthwa kwendle ngaphandle kwamanzi athwala indle okulahlwa ngohlelo lokulahlwa kwendle;

“**umnikazi**” kusho: -

(a) umuntu obhalise ngegameni lakhe ubunikazi bendawo ngezikhathi ezithile noma i-ejenti yakhe;

(b) uma umnikazi obhalisiwe wesakhiwo ecwile ezikweletini noma eshonile, noma evinjelwe umthetho ngandlela thile, noma ukhubazekile ngokusemthethweni, loko okumenza angakwazi ukuzenzela mathupha isenzo esisemthethweni, umuntu okunguyena olawula izindaba zesakhiwo njengondlalifa, umphatheli, umlawuli, umphathi kwezokwahlulela noma omunye umuntu womthetho;

(c) uma umasipala ehluleka ukuthola ukuthi ungubani umnikazi, umuntu onelungelo elingelomthetho ekusebenzeni noma inzuzo yokusebenzisa isakhiwo noma yebhilidi noma ingxenye yebhilidi , lapho elitholakala khona;

(d) uma kukhona isivumelwane sokuqashisa indawo esiyiminyaka engu-30 (amashumi amathathu) noma ngaphezulu, noma ngempilo yemvelo yomqashi noma omunye umuntu okukhulunywe ngaye esivumelwaneni sokuqashisa, noma sivuselelwa unomphela ngezikhathi nezikhathi ngentando yalowo oqashile, noma ngokwesikhathi noma izikhathi lapho, kuhlangene nesikhathi sokuqala sokuqashisa, kwenza iminyaka engu-30, lo oqashile noma omunye umuntu onikezwe igunya lakhe nentshisekelo ngaphansi kwesivumelwano sokuqashisa, noma omunye owalandela ngesihle esikhundleni somqashi;

(e) maqondana nalokhu:

(i) nesiqephu somhlaba esichazwe kwipulani yezakhiwo ezihlangene esibhalisiwe ngokoMthetho wamaTayitela eZakhiwo eziHlangene, 1986 (uMthetho No.95 ka 1986) , umakhi noma abaphathi abengamele isakhiwo; noma

(ii) ingxenye njengoba ichaziwe kuMthetho wamaTayitela eZakhiwo eziHlangene, 1986 (uMthetho No.95 ka 1986), igama lomuntu okubhaliswe ngaye ilungelo ngaphansi kwetayitela laleso sakhiwo, futhi okufaka ne ejenti eqokwe ngokusemthethweni yalowo muntu; noma

(iii) umuntu ohlala endaweni ebhaliswe ngaphansi komkhandlu wesizwe noma ngohambisana nesifungo esifungelwe esenziwe umkhandlu wesizwe:

"**Umuntu"** kusho noma yimuphi umuntu, noma ngabe ngokwemvelo noma ngokomthetho futhi kufaka phakathi, kodwa akunamkhawulo, noma yimuphi umgwamanda kahulumeni wasekhaya noma igunya elifuze lelo, inkampani noma i-close corporation efakwe ngaphansi kwanoma yimuphi umthetho, iqoqo labantu noma ngabe lifakiwe noma alifakiwe, uhlaka lomthetho, abantu bomphakathi abawusizo, inhlangano ngokuzithandela noma i-trust;

"**U-plamba**" kusho umuntu ofundele waphumelela ukuthola iTrade Test efanelekile kwi-Plumbing noma owanikezwa isitifiketi sekhono ngoko mthetho we-Manpower Training Act, 1981 (Act No 56 of 1981) noma ezinye iziqu ezingadingwa ngaphansi komthetho kazwelonke;

"Ukungcola" kusho ukufakwa kwanoma yini ohlelweni lokuphakelwa kwamanzi, noma emapayipini okuhambisa amanzi okungenza amanzi abe nobungozi empilweni yomuntu noma kwimvelo noma ikhubaze izinga lwawo ekusetshenziselweni kwenhloso yawo;

"Izakhiwo" kusho noma yisiphi isiqeshana sendawo, imingcele yendawo evele ngaphandle okuchaziwe ngalendlela:-

(a) kwipulani noma umdwebo obhaliswe ngokoMthetho wokuCwaningwa koMHlaba, 1927 (uMthetho No. 9 ka 1927) noma ngokwe Deeds Registries Act (Act No. 47 of 1937);

(b) noma iplani yezakhiwo ezihlangene ebhaliswe ngoko Mthetho wamaTayitela Wezakhiwo Ezihlangene, 1986 (uMthetho. 95 ka 1986); noma

(c) irejista ephethwe igunya lesizwe noma ngokuhambisana nesifungo esifungelwe esenziwe ngegunya lesizwe;

"**Unjiniyela okhokhelwayo**" kusho umuntu obhaliswe ngokweEngineering Profession Act, 2000 (Act No 46 of 2000) njengonjiniyela osezingeni elifanele;

"Isaziso somphakathi" kusho ukushicilelwa kwabezindaba kubandakanya okukodwa noma okungaphezulu kwalokhu okulandelayo:-

(a) ukushicilelwa kwesaziso, ngezilimi ezisemthethweni ezinqunywe ngumasipala:

1. kunoma yiliphi iphephandaba lendawo noma amaphephandaba ajikeleza endaweni lapho kuhlinzeka khona umasipala;
2. ephephandabeni noma amaphephandaba ajikeleza endaweni lapho kuhlinzeka khona umasipala eliqagulwe ngumasipala njenge-phephandaba elamukelekile; noma
3. ku-webhusayithi esemthethweni kamasipala
4. ngokusebenzisa imisakazo yendawo lapho kuhlinzeka khona umasipala;

(b) ukukhangisa isaziso noma kunoma iyiphi indawo, ihhovisi, umtapo wolwazi noma indawo yokukhokhwa kwezimali ehlinzekwe umasipala, noma umenzeli kamasipala ogunyaziwe, lapho umphakathi ukwazi ukufinyelela kalula khona; futhi;

(c) ngokuxhumana nabathengi ngemihlangano yomphakathi nangemihlangano yekomidi lesigceme;

“I-SANS” isho i-South African National Standard;

“**Imisebenzi yokuthuthwa kwendle**” inencazelo efanayo enikezwe yona ngokoMthetho futhi ifaka phakathi ngenhloso yale mithetho kamasipala ukulahlwa kokungcola kwezimboni;

“**uhlelo lokukhucululwa kwendle**” kusho izakhiwo, amapayipi, ama-valve, amaphampu, amamitha noma okunye kwezinto ezisetshenziswayo ekudlulisweni ngohlelo lokuhanjiswa kwendle nokwelashwa esikhungweni sokuhlanza indle ngaphansi kolawulo lukamasipala futhi olungasetshenziswa ngokuphathelene nokulahlwa kwendle;

“**ithange lokuhambisa indle**” kusho ithange elingangeneli amanzi elenzelwe ukwamukela indle futhi libolise ngokwanele izinto eziphilayo zendle namagciwane;

“Ipayipi eliphaka amanzi” kusho ipayipi eliletha amanzi endaweni yomnikazi noma umhlali futhi elixhunywe noma elizoxhunywa epayipini lokuxhuma amanzi ukunikeza ukufakwa kwamanzi ezakhiweni;

“Ukusetshenziswa ngokwabelana” kusho ukusetshenziswa kwamanzi ngesikhathi esithile, lokho okubalwa ngokuhlukanisa amanzi asetshenzisiwe endaweni yokuphakela lapho izakhiwo zomthengi zitholakala khona ngesikhathi esifanayo ngenombolo yabathengi emaphakathi kwendawo yohlinzeko, ngalesosikhathi;

“**uxhaso**” kusho:

(a) uhlinzeko lwamanzi, olunikezwe ikhasimende ngenani elisebenzayo, elingaphansi kwezindleko zokuhlinzekwa kwamanzi futhi kufaka nohlinzeko olinikezwe amakhasimende mahhala;

(b) Indawo, enqunywe ngumasipala, lapho wonke amakhasimende enikezwa khona uhlinzeko olusuka endaweni yokuxhuma yokunikeza ngobuningi; kanye

(c) Ukuthola, ukusebenzisa noma ukusetshenziswa kohlinzeko lwamanzi okungekho ngokwesivumelwano, noma okungagunyaziwe noma kwamukelwa ngumasipala;

“ukuthutha indle” kusho amanzi angcolile, amanzi angcolile avela ezimbonini, amanzi angcolile angaphakathi ezindlini nolunye uketshezi olungcolile, kungaba ngokwehlukana noma ngokuhlangana, kodwa ngeke kubandakanye amanzi emvula;

“isitamukoko” kusho noma yiliphi ipayipi noma umsele okuyisakhiwo noma okunikezwe umasipala futhi elingasetshenziselwa ukuhanjiswa kwendle kusuka endaweni yokukuxhuma kwendle, kodwa ngeke kufake lokuchitha amanzi njengoba kuchaziwe;

“**I-stand pipe”** kusho uxhumano lapho uhlinzeko ngamanzi lunikezwa khona kubantu abangaphezulu koyedwa;

“Ukungcola okujwayelekile kwasendlini” kusho ukungcola kwasendlini okunezimpawu zamandla ezibekiwe njengoba kunqunywe ngumasipala maqondana nokufunwa komoya ohlanzekile wamakhemikhali kanye nokuqina njengokufanele ukukhishwa kwendle okuvela ezakhiweni zasekhaya ngaphakathi kwegunya likamasipala, kepha akuhlangene nokungcola kwezimboni;

“Amanzi emvula” kusho amanzi aqhamuka emvuleni yemvelo noma ekuqongeleleni futhi ahlanganisa amanzi emvula, amanzi angaphansi komhlaba noma amanzi esiphethu;

“terminal water fitting” kusho isithumo esingaphandle kwamapayipi axhuma amanzi esilawula ukuphuma kwamanzi lapho exhunywe khona;;

“**Indawo yokuhweba”** kusho izakhiwo lapho kukhiqizwa khona ukungcola kwezimboni;

“**Isithiyo**” kusho ukufakwa kwepayipi noma ingxenye yento ehlanzekile eyisivalo samanzi okuvimba ukubuya komoya ongcolile noma igesi sisendaweni;

“**uhlinzeko olungagunyaziwe”** kusho ukwamukelwa, ukusebenzisa noma ukusetshenziswa kwanoma iluphi uhlinzeko lwamanzi olungekho ngaphansi ngokwesivumelwano nomasipala, noma oluvunywe umasipala;

“**okuxhunyelelwe amanzi**” kusho ingxenye yempahla yokufakwa kwamanzi, engelona ipayiphi, amanzi adlula kuyo noma agcinwa kuyo;

“**ukuxhunywa kwamanzi**” kusho amapayipi nokuxhunyelelwe amanzi okutholakala kunoma imaphi amagceke; ubunikazi balokho bulele kumnikazi; futhi kusetshenziselwa noma kuhloswe ukusetshenziselwa maqondana nokusetshenziswa kwamanzi kulelo gceke, futhi abala ipayipi nokuxhunyelelwe amanzi angaphandle kwemingcele yegceke, okungenzeka ukuthi axhuma mhlawumbe epayipini elikhulu lokuxhuma eliya kuleyo ndawo noma elifakwe ngemvume kaMasipala;

“uhlinzeko ngamanzi” kusho uhlinzeka ngamanzi kanye nezohlanzeka;

“Abalamuli ngohlinzeko lwamanzi” kunencazelo efanayo naleyo enikezwe yona ngokwemigomo yoMthetho;

“Izinsizakalo zokuphakelwa kwamanzi” kunencazelo efanayo eyabelwe yona ngokoMthetho futhi ifaka phakathi izinhloso zale mithetho kamasipala amanzi esentshenziselwa izimboni kanye nezinsizakalo zokucisha umlilo;

“ingqalasizinda yokuhlinzeka ngamanzi” kusho izakhiwo, imisele yamanzi, amapayipi, amavalvu, amaphampu, amamitha noma okunye okuhambisana nalokhu okungokwaMasipala futhi okusetshenziswa noma okuhloswe ukuba kusetshenziswe nguye maqondana nokuhlinzeka ngamanzi, futhi kuhlanganisa noma iyiphi enye ingxenye yengqalasizinda; kanti

“**Usuku lokusebenza**” kusho usuku ngaphandle koMgqibelo, iSonto noma iholide lomphakathi.

ISAHLUKO 2:

UHLINZEKO LWAMANZI KUMAKHASIMENDE NGAPHANDLE KWALAWO AMPOFU

2. Isicelo Sohlinzeko Lwamanzi

(1) ikhasimende elifisa ukufaneleka, njengekhasimende elimpofu kumele lifake isicelo sohlinzeko ngendlela eshiwo kuSahluko 4.

(2) Akekho umuntu okufanele, ngokwemibandela yesigatshana sesithathu (3), athole noma ahlinzekwe amanzi ngaphandle uma umasipala evume isicelo esifakiwe ngefomu elibekwe umasipala.

(3) Uma, ekuqaleni kwale mithetho kamasipala noma nganoma yisiphi esinye isikhathi, uhlinzeko lwamanzi lutholakala kodwa kungekho sivumelwano esibhaliwe maqondana nohlinzeko olunjalo, kuze kube yilapho ikhasimende lingena esivumelwaneni ngokwesigatshana sesibili (2), kuyothathwa ngokuthi:-

(a) Sikhona isivumelwano njengoba kuboniswe yisigatshana sesikhombisa (7) futhi;
(b) Izinga lohlinzeko olinikezwe lelo khasimende lisezingeni lohlinzeko elizikhethele lona;

(4) Lapho isicelo sokuhlinzekwa ngamanzi senziwe kumasipala, kufanele azise umuntu ofake isicelo ngamazinga ohlinzeko olutholakalayo kanye nezindleko ezikhokhwayo noma izindleko ezikhona ngalesosikhathi, futhi, uma kwaziwa, izindleko zesikhathi esizayo noma izindleko ezihambisana nezinga ngalinye losizo.

(5) Umasipala ubophezeleke kuphela ukuhlinzeka ngezinga lohlinzeko olucelwe ngokuqondile ngumfakisicelo uma lolohlinzeko lukhona futhi uma umasipala enezinsizakusebenza namandla okuhlinzeka lelo zinga lomsebenzi.

(6) ikhasimende nganoma yisiphi isikhathi lingafaka isicelo sokuguqulwa kwezinga losizo olwalukhethwe ngokwesivumelwano, futhi, uma lenza kanjalo, umasipala angavuma isicelo uma enamandla okuhlinzeka kanye nezinsizakusebenza zokuhlinzeka izinga eliceliwe kuye ngokuthi ikhasimende lizozibophezela ngezindleko zokwenza ushintsho futhi, uma kungenzeka ukubala izindleko, lizikhokhe ngaphambi kokuba kuqale ushintsho.

(7) Isicelo sohlinzeko esifakwe ikhasimende futhi savunywa ngumasipala siyoba isivumelwano esibhaliwe phakathi kukamasipala nomthengi, futhi leso sivumelwano siyoqala ukusebenza ngosuku okuvunyelenwe ngalo noma olushiwo esivumelwaneni.

(8) Umasipala kumele athathe izinyatelo ezizwakalayo ukuqinisekisa ukuthi umuntu ongafundile ofisa ukugcwalisa ifomu lokufaka isicelo uyayiqonda imibhalo kanye nemiphumela yokungena esivumelwaneni, futhi kufanele alulekwe ngethuba lokuthi angabhalisa njengekhasimende elimpofu.

(9) Umasipala, kumele, ngaphezu kokwanelisa izidingo zesigatshana sesishiyagalombili (8), asize umuntu ongafundile ekugcwaliseni ifomu lesicelo.

(10) Uhlinzeko lwamanzi olunikezwa ikhasimende luyoba ngaphansi kwemibandela yale mithetho kamasipala, neminye imithetho kamasipala esebenzayo kanye nemibandela equkethwe esivumelwaneni.

(11) Umasipala, kuye ngegunya lakhe lokuhlinzeka nezimfihlo ezamukelwa yinoma yimuphi umthetho, angenza uphenyo mayelana nokufaneleka kokuthenga ngesikweletu kwabathengi, futhi angafaka nemibandela ethile eyengeziwe, ezingekho kule mithetho kamasipala noma emithethweni ebekiwe efomini, kulowo mthengi.

(12) Uma umasipala:

(a) Enqaba isicelo sokuhlinzekwa kwamanzi noma uhlinzeko oluthile noma izinga lohlinzeko;
(b) Engakwazi ukuhlinzeka ngamanzi noma uhlinzeko oluthile noma izinga lomsebenzi, ngesikhathi ikhasimende eliyobe likufuna ngaso; noma
(c) Engakwazi ukuhlinzeka ngamanzi, uhlinzeko oluthile, noma izinga elithile lohlinzeko;

Kufanele, kungakapheli izinsuku eziyisikhombisa (7), umasipala uma esichithile isicelo noma esetholile ukuthi ngeke akwazi ukuhlinzeka, azise ikhasimende ngokwenqaba noma ukwehluleka, futhi kufanele anikeze izizathu zokwenqaba noma ukungakwazi, futhi uma ekwazi ukwenza kanjalo, azise ikhasimende ukuthi uhlinzeko lwamanzi, noma uhlinzeko oluthile, luyotholakala nini.

3. Izivumelwano Ezikhethekile Zokuhlinzekwa Kwamanzi

Umasipala angangena esivumelwaneni esikhethekile sokuhlinzekwa kwamanzi nomfakisicelo: -

(a) Ngaphakathi kwendawo yokuhlinzekwa, uma isicelo sokuhlinzekwa esifakiwe sidinga ukufakwa imibandela engekho kwifomu ebekiwe noma ngokwale mithetho kamasipala;

(b) Ukuthola uhlinzeko lomxhaso; futhi

(c) Uma indawo yokwamukela izinkonzo ezinjalo itholakala ngaphandle kwendawo yokuphakela, futhi uma umasipala onegunya lamandla okuphatha kulezozakhiwo, engaphikisani naleso sivumelwano esikhethekile, futhi kuzobophezeleka ikhasimende ukwazisa umasipala ophethe lapho mayelana nalesosivumelwano esikhethekile.

4. Ukushintsha Inhloso Yalokho Amanzi Asetshenziselwa Kona

Lapho injongo, noma lapho, uhlinzeko lwamanzi luguqulwa, ikhasimende kufanele lazise ngokushesha umasipala ngoshintsho bese lenza isivumelwano esisha nomasipala.

5. Ukuqedwa kwesivumelwano sokuhlinzekwa ngamanzi

(1) Ikhasimende lingaqeda isivumelwano sokuhlinzekwa ngamanzi ngokunikeza umasipala okungenani isaziso esibhaliwe phansi sezinsuku ezingama shumi amabili nanye (21).

(2) Umasipala angaqeda isivumelwano sohlinzeko lwamanzi ngokunikeza ikhasimende isaziso esibhalwe phansi okungenani sezinsuku ezingamashumi amabili nanye (21), lapho: -

(a) Uhlinzeko lwamanzi lungasetshenziswanga izikhathi ezilandelanayo sezinyanga ezimbili (2) futhi ngaphandle kwesivumelwano, esenelisa umasipala, ukuze isivumelwana siqhubeke; noma

(b) Izakhiwo zishiywe ikhasimende, ongumnikazi noma obehlala khona futhi kungekho lungiselelo lokuqhubeka kwesivumelwano esenziwe nomasipala.

(3) Ikhasimende liyohlala libophekile ngazo zonke izikweletu ezisilele emuva kanye nezindleko eziyobe zikhokhwa mayelana nohlinzeko lwamanzi elinikezwe lona ngaphambi kokuba kuhoxiswe isivumelwano.

6. Ukuthuthukiswa Kwezakhiwo

(1) Umakhi wezakhiwo kufanele, ngokushesha nje lapho ingqalasizinda isikwazi ukuhlinzeka amanzi noma uhlinzeko endaweni eyobe ithuthukiswa, ngokwanele nangokushesha azise umasipala, ngesikhathi esifanele, ngohlobo, nobungakho bohlinzeko oluzonikezwa kanye nesilinganiso esizosetshenziswa.

(2) Umakhi wezakhiwo ohluleka ukuhambisana nezimiso zesigatshana sokuqala (1) uzobophezeleka ekukhokheni zonke izindleko ezifanele okuzobe ngabe zikhokhwa ngamakhasimende maqondana nohlinzeko lwamanzi olusetshenzisiwe.

7. Izindleko Ezikhokhwayo Ngohlinzeko Lwamanzi

(1) Zonke izindleko ezikhokhwayo maqondana nohlinzeko lwamanzi, (kuhlanganise kodwa kungagcini ezindlekweni zokuxhuma amanzi, izindleko ezingaguquki noma ezinye izindleko ezengeziwe) kufanele umasipala azimise ngokuhambisana –

   (a) Nenqubomgomo yezintela yakhe;

   (b) Nalemithetho kamasipala; futhi

   (c) Nanoma imiphi imithethonqubo eyenziwe ngokomthetho kazwelonke noma wesifundazwe.

(2) Izindleko ezisebenzayo zingahluka ngezigaba ezahlukahlukene zamakhasimende, abasebenzisi bohlinzeko, izinhlobo namazinga ohlinzeko, ubuningi bohlinzeko, izidingo zengqalasizinda kanye nezindawo ngezindawo.

8. Izinkokhelo Ezitholakala Ngokuhlinzeka Ngamanzi

Umasipala, ngaphezu kwezimali ezikhokhwayo noma izindleko ezibekiwe zohlinzeko lwamanzi, angakhokhisa imali ekhokhwayo yanyanga zonke engaguquki, imali ekhokhwa minyaka yonke engaguquki noma inkokhelo engaguquki eyodwa neyokugcina lapho kutholakala khona uhlinzeko lwamanzi, kungakhathalekile ukuthi uhlinzeko luyasetshenzisa noma alusetshenziswa.

9. Uhlinzeko Oluxhasiwe

(1) Umasipala angaqalisa ukusebenzisa uxhaso, ngekwazisa umphakathi, ngokulingana namandla ache ngaphandle kokulimaza ukusimama kohlinzeko lwamanzi olunikezwa umasipala endaweni engaphansi kwakhe.

(2) Ekuxhaseni umasipala angaqalisa ngokuhlukanisa phakathi kwezinhlobo zamakhasimende asekhaya, izinhlobo namazinga ohlinzeko, ubungakho bohlinzeko, ukuma kwezindawo kanye nesimo sezenhlalo nomnotho womphakathi ezindaweni.

(3) Isaziso somphakathi ngokwesigatshana sokuqala (1) kufanele okungenani sibe nemininingwane elandelayo esebenza oxhasweni oluthile

a) Abathengi basekhaya abazohlomula oxhasweni;
b) Uhlobo, izinga nobungako bohlinzeko lwamanzi azoxhaswa;
c) Indawo okuzosebenza kuyo uxhaso;
d) Intela (ekhombisa izinga loxhaso);
e) Indlela yokusebenzisa uxhaso; kanye;
f) Nanoma yimiphi imigomo nemibandela ekhethekile ezosebenza oxhasweni.

(4) Uma amanzi asetshenziswa ikhasimende lasekhaya;

(a) engaphansi kwengxenye yohlinzeko okade luxhasiwe, ingxenye engasetshenziswanga ngeke ingezelwe ikhasimende futhi ngeke inikeze ikhasimende ilungelo lokukhokhelwa noma lesephulelo maqondana nengxenye engasetshenziswanga; futhi

(b) Ngaphezulu kwengxenye yoxhaso, ikhasimende lizophoqeleka ukuthi likhokhele ukusetshenziswa ngokweqile ngezinga elifanele.

(5) Uxhaso olwenziwe ngokwesigatshana sokukuqala (1) lungahoxiswa noma luguqulwe noma yinini ngokwamandla kamasipala, ngemuva kwesaziso somphakathi esifanele.

(6) Abezohwebo ngeke balufanele uhlinzeko oluxhasiwe.

(7) Uxhaso ngemali luzoxhaswa ngengxenye yemali etholwa kuzwelonke futhi yabelwe umasipala kodwa uma leyo mali inganeli, izinhlinzeko zingaxhaswa ngemali etholwe ngentela, izimali nezindleko zohlinzeko lwamanzi.

10. Ukubizwa Kwezindleko Ezengeziwe

Umasipala ngaphezu kokukhokhisa izindleko, izintela, imali ephoqelekile noma ukukhokha kwanoma yiluphi uhlobo okukhulunywe ngako kule mithetho kamasipala, angabiza kwikhasimende noma yiziphi izindleko ezitholakele ekusebenziseni le mithetho kamasipala, kuhlanganiswe kodwa kungagcini:

(a) Zonke izindleko zezomthetho, kuhlanganise izindleko zommeli nekhasimende ezezenke ekutholakaleni kwezikweletu ezisilele ngemuva nezizofakwa e akhawuntini yekhasimende njengezikweletu ezisilele; kanye

(b) Nezindleko ezidalekile lapho kufunwa inkokhelo ekhasimendeni kanye nokukhumbuza ikhasimende, ngocingo, ngefeksi, nge-imeyili nangencwadi noma ngenye indlela ukuthi kufanele likhokhe.

11. Inkokhelo yediphozithi

(1) Umasipala angafuna ukuthi ikhasimende likhokhe idiphozi enqunywe ngumasipala futhi anganquma ukuthi amadiphozithi ahlukene akhokhwe ngezigaba ezahlukahlukene zamakhasimende, abasebenzisi bohlinzeko nabakweletayo kanye nohlinzeko oluhlukahlukene kuhlanganisa kanye namazinga ahlukene ohlinzeko.

(2) Idiphozi akufanele yedlule imali ephindwe kathathu (3) ngaphezu kwenani lemali (kuhlanganise amanani nezintela ezitholakala ekunikezweni kohlinzeko) yanoma yiluphi uhlinzeko ikhasimende elafaka isicelo salo.

(3) Uhlinzeko okukhulunywe ngalo esigatshaneni sesibili (2) lusho uhlinzeko olunikezwe endaweni yekhasimende; futhi inani lanyanga zonke lemali yohlinzeko ebaliwe ngokukhipha i-inani eliphelele lemali yezinyanga zokugcina ezintathu (3) bese ihlukanisa kathathu (3).

(4) Umasipala kufanele acacise ngendlela evumelekile yokukhokha, okungaba: -

(a) Ukheshi;

(b) Isheke eliqinisekiswe yibhange; noma
(c) Iziqinisekiso zebhange.

(5) Idiphozi enqunywe nguMasipala kumele ikhokhwe ikhasimende uma lifaka isicelo sohlinzeko lwamanzi futhi akukho hlinzenko lwamanzi eliyonikezwa kuze kube yilapho idiphozithi isikhokhwe yikhasimende.

(6) Umasipala njalo ngonyaka angabuyekeza idiphozi ekhokhwa ngokwesigatshana sesihlanu (5), futhi kuya ngokwemiphumela yokubuyekezwa: -
(a) kudingeka ukuba ikhasimende lidiphozithe imali ethe xaxa uma idiphozithi yekhasimende ingaphansi kwaleyo umusipala eyinqume kamuva; noma
(b) abuyisele imali ekhasimendeni noma ngabe yiliphi inani lemali elingakuye njengediphozi, okuyobe yedlula inani lediphozi enqunyiwe ngumasipala kamuva.

(7) Uma ikhasimende lisilele emuva ngezikweletu, umasipala angafuna ikhasimende ukuthi: -
(a) Likhokhe idiphozi uma bekungakaze kudingeke ukuthi likhokhe idiphozi, uma umasipala esenqume idiphozi; futhi
(b) likhokhe idiphozi eyengeziwe lapho idiphozi ekhokhwe yilowo mthengi incane kunaleyo diphozi yakamuva enqunywe ngumasipala.

(8) Idiphozi, noma enye ingxenye yediphozithi, akuyona inkokhelo, noma ingxenye yokukhokhela i-akhawunti kepha uma i-akhawunti isilele emuva ngokwezikweletu, idiphozi izosetshenziselwa ukukhokha, noma ikhokhele ingxenye, yemali esilele emuva yezikweletu.

(9) Ayikho inzalo eyokhokhwa ngumasipala kunoma iyiphi idiphozithi, noma ingxenye yediphozithi ebanjwe nguyena.

(10) Ekuqedeni kwesivumelwano esiphakathi kwekhasimende nomasipala, idiphozi ingabuyiselwa ekhasimendeni, kodwa kudonswe amanani angahle akhokhelwe umasipala ngohlinzeko olunikeziwe.

(11) Idiphozi iyodliwa ngumasipala uma ikhasimende lingazange liyicele zingakapheli izinyanga eziyishumi nambili (12) emuva kokuqedwa kwesivumelwano.

12. Izindlela zokunquma izimali okufanele zikhokhwe ngosuku olunqunyiwe

(1) Umasipala anganquma inani elifunekayo nelikhokhelwayo ngosuku olunqunyiwe, lohlinzeko lwamanzi : -

(a) Ngokubala ukusetshenziswa okusetshenziswe ikhasimende;

(b) Ukubalwa kokusetshenziswa okwabiwe; noma,

(c) Ngendlela yokusetshenziswa okulinganisiwe.

(2) Uma idivayisi yokukala ngokusebenza kwemitha kungenzeki ukuyifunda ngenxa yezinkinga zezimali kanye nabasebenzi, noma ngenxa yezimo ezingaphezu kwamandla kamasipala, futhi ikhasimende likhokhiswa ukusetshenziswa okumaphakathi, i-akhawunti elandelayo yekhasimende uma ifundwa kufanele ikhombe umehluko phakathi kokusetshenziswe ngokwangempela kanye nesilinganiso sokusetshenziswa okumaphakathi, futhi kumele i-akhuwunti iwukhombise umphumela wesikweletu oweenziwe ukuthi uyimali ebuyiselwa ekhasimendeni noma ekhokwa yikhasimende.

(3) Lapho ngombono kamasipala kungenzeki noma kubiza kakhulu ukufaka idivayisi yokukala kuwowonke amamitha amakhasimende, noma ukufunda wonke amamitha amakhasimende, ezindaweni ezinqunyiwe, umasipala anganquma inani efunekayo ekhokhwa ikhasimende ngezinhlizeko zamanzi ngendlela eshiwo esigatshaneni sokuqala (1).

(4) Lapho inzinhlizeko zamanzi zibalwa ngokuhlanganyelwa kwamanzi ngoko-mphakathi, inani okufanele amakhasimende alikhokhele ukuhlinzekwa,

nokusebenzisa amanzi ngokuhlanganyela njengo-mphakathi, iyosuselwa ekusetshenzisweni okuhlanganisiwe noma okulinganiselwayo kwamanzi ahlinzekelwe umphakathi wonke.

(5) Umasipala kumele azise amakhasimende ngendlela ayisebenzisile yokunquma lokho okufanele kukhokhwe ngosuku olunqunyiwe mayelana nohlinzeko lwamanzi ezindaweni ezihlinzekiwe.

13. Ukukhokhelwa kwamanzi ahlinzekiwe

(1) ikhasimende kufanele libhekane nokukhokhelwa kwayo yonke imisebenzi yohlinzeko lwamanzi kusukela ngosuku lokuqala lwesivumelwano kuze kube i-akhawunti yakhe isikhokhelwe ngokuphelele futhi umasipala uzoba nelungelo lokuthola zonke izinkokhelo okufanele ikhasimende lizikhokhe

(2) Uma ikhasimende lisebenzisa amanzi ngendlela okungeyona okuvunyelenwe ngayo nomasipala, futhi uma likhokhiswe imali engaphansi kwaleyo ejwayelekile, umasipala angaguqula inani okufanele ngabe liyasikhokha futhi akhokhise ikhasimende umehluko phakathi kwenkokhiso eshintshiwe nesamba esesikhokhiwe.

(3) Lapho uma izichibiyelo enkokhisweni efanele ziqala ukusebenza ngosuku oluphakathi kwesikhathi lapho kwenziwa khona isilinganiso sokunikeza i-akhawunti yezinkokhelo ezisebenzayo: -

(a) Kuyothathwa ngokuthi inani elifanayo lohlinzeko lwamanzi lisetshenzisiwe esikhathini samahora angamashumi amabili nane naphakathi kwezilinganiso; futhi

(b) noma ikuphi ukukhokhiswa kwemali ekhokhwayo kuzobalwa ngesisekelo sokulingana (pro-rata) ngokuhambisana nenkokhiso esebenza ngalesosikhathi ngaphambi kwalokhu kuchibiyelwa nangaphambi kokubizwa kwenani laloko kuchitshilelwa.

14. Inkokhelo Ephelele Neyokugcina Ye-Akhawunti

(1) Lapho i-akhawunti ingakhokhiwe ngokuphelele, noma iyiphi imali enganele ekhokhiwe, futhi yamukelwa, umasipala, ngeke kube ukukhokhelwa okuphelele nokokugcina kwaleyo akhawunti noma ngabe leyo mali ikhokhelwe, inkokhelo ephelele neyokugcina, ngaphandle uma imenenja kamasipala noma i-ejenti yemenenja kamasipala egunyaziwe yamukela ngokusobala ngokubhaliwe njengokukhokhwe ngokuphelele kwe-akhawunti okukhulunywa ngayo.

15. Isibopho Sezimali Ezifunekayo Nezikhokhwayo

(1) Ngokuya ngokwesigatshana sesibili (2) futhi ngaphandle kokubheka noma yikuphi okunye okuhlinzekwe kule mithetho kamasipala, umnikazi wendawo uyoba nesibopho sokukhokha noma iliphi inani okufanele likhokhwe ikhasimende kumasipala eminyakeni emibili eyedlule, uma umasipala, ngemuva kokuthatha izinyathelo ezifanele zokuqoqa okukweletwa yikhasimende kodwa wahluleka ukuyiqoqa; inqobo nje uma umnikazi wayesayine ifomu lesicelo lekhasimende ngokuhambisana nesigaba sesibili (2) futhi uma ngabe azisiwe umasipala ukuthi ikhasimende linezikweletu ezisilele emuva.

(1) Uma, ekuqaleni kwale mithetho kamasipala noma nganoma yisiphi esinye isikhathi, amanzi ehlinzekiwe futhi atholwe yinoma imuphi umuntu ezakhiweni, futhi uma kungekho sivumelwano esibhalwe phansi esikhona maqondana nalolo hlinzeko, umnikazi wendawo uyothathwa ngokuthi ubevumelelene nezinhlinzeko zesigatshana sokuqala (1) kuze kube yilapho ikhasimende lingena esivumelwaneni nomasipala ngokwesigaba sesibili (2) nefomu lesicelo sohlinzeko lisayinwe ngumnikazi.

16. Izinkokhelo ezinqwantshwe yibhange

Lapho noma yikuphi ukukhokhela umasipala kwenziwe ebhange kodwa kamuva kwatholakala ukuthi akuzange kwamukelwe ibhange, umasipala: -

(a) Anganezela kwi-akhawunti yekhasimende ngezindleko zasebhange, ezimayela nemali engatholakalanga; futhi

(b) Uzobheka isenzo esinjalo njengesokwehluleka ukukhokhelwa.

17. Izinhlelo Zokukhuthaza

Umasipala angaqala amasu ezinhlelo zokukhuthaza ukukhokha ngokushesha kanye nokuklomelisa amakhasimende akhokha ama-akhawunti awo njalo nangesikhathi.

18. Amapay-Points Kanye Nama-Ejenti Avunyelwe

(1) ikhasimende kufanele likhokhe i-akhawunti yalo ezindaweni zokukhokha ezichazwe ngumasipala noma kwi-ejenti evunyelwe ngumasipala.

(2) Umasipala kufanele azise ikhasimende ngendawo eqondile yama pay point nokuthi ubani i-ejenti egunyaziwe eyamukela ukukhokhelwa kwama - akhawunti.

19. Ama-akhawunti

(1) Ama-akhawunti kufanele athunyelwe njalo ngenyanga kumakhasimende ekhelini lokugcina lekhasimende elibhalisiwe.

(2) Lapho ngokubona kukamasipala kungenzeki noma kungashibhile kakhulu ukuthumela ama-akhawunti kumakhasimende athola uxhaso kuphela, umasipala, ngaphandle kwesigatshana sokuqala (1), anganquma ukungawathumeli amakhawunti kulawo makhasimende.

(3) Ukwehluleka kwekhasimende ukuthola noma ukwamukela i-akhawunti akulikhululi kusibopho sokukhokha kwanoma iliphi inani elifanele likhokhwe ngosuku olunqunyiwe.

(4) Umasipala kumele, uma kunokwezeka, athumele i-akhawunti kabili kwikhasimende uma eceliwe.

(5) Ama-akhawunti kufanele akhokhwe kungakadluli usuku lokugcina lokukhokha olubhaliwe kuyona.

(6) Ama-akhawunti ezinhlinzeko zamanzi kufanele: -

(a) akhombise okungenani lokhu okulandelayo: -

(i) uhlinzeko olunikeziwe;

(ii) Ukusetshenziswa kwangempela kwamanzi e-mitha noma ukusetshenziswa okumaphakathi, okwabiwe noma okulinganisiwe;

(iii) Isikhathi okubhekiselwe kuso kwi-akhawunti;

(iv) izindleko ezisebenzayo;

(v) Imixhaso;

(vi) inani elifunekayo (ngaphandle kwenani elingeziwe lentela kahulumeni);

(vii) Intela eyengeziwe;

(viii) Ukulungiswa, uma kukhona, ekusetshenzisweni kwemitha okwakucatshangelwe ngaphambilini;

(ix) izikweletu ezisilele emuva;

(x) inzalo ekhokhwa kunoma yiziphi izikweletu ezisilele emuva;

(xi) usuku lokugcina lokukhokha; futhi

(xii) izindlela, izindawo nama-ejenti agunyaziwe lapho kungakhokhwa khona, futhi

(b) Kusho lokhu: -

(i) ikhasimende nomasipala bangangena esivumelwaneni emahhovisi kamasipala lapho ikhasimende lizovunyelwa ukuthi likhokhe izikweletu ezisilele emuva ngezikhawu;

(ii) uma kungenziwa isivumelwano esinjalo, umasipala uyolingania noma anqamule uhlinzeko, ngemuva kokuthumela isaziso sokugcina sokufuna

inkokhelo ngokwesigaba samashumi amabili nane (24) kanye namashumi amabili nesithupha (26) kukhasimende;

(iii) izinyathelo zomthetho zingathathelwa noma iliphi ikhasimende ukuze kutholakale noma yiziphi izimali, uma inani seledlule izinsuku ezingama shumi amane (40) lisilele emuva;

(iv) isimangalo semali esilele emuva singanikelwa kumqoqi wezikweletu ukuze ayiqoqe;

(v) ubufakazi bokubhaliswa, njengekhasimende elimpofu, ngokwemigomo yenqubomgomo yabampofu kamasipala, engaba yingxenye yenqubomgomo kamasipala yokulawulwa nokuqoqwa kwezikweletu, kufanele kuhanjiswe emahhovisi kamasipala ngaphambi kosuku lokugcina lokukhokha.

20. Isitifiketi Se-Clearance

Yonke imali okufanele ikhokhwe ngosuku olunqunyiwe emayelana nohlinzeko lwamanzi iyokhokhwa ngokuphelele ngaphambi kokudluliswa kwendawo. Umbhalisi wamatayitela ngeke abhalise noma yikuphi ukudluliswa kwendawo ngaphandle kwalapho kwenziwa isitifiketi esikhishwe ngumasipala, esiqinisekisa ukuthi yonke imali ekweletwa umasipala ikhokhwe ngokuphelele.

21. Imibuzo Noma Izikhalazo Eziqondene Ne-Akhawunti

(1) Ikhasimende lingafaka umbuzo, isikhalazo noma ukuphikisa okuphathelene nokuqonda kwanoma iyiphi imali okuthiwa iekhokhwa ngosuku lokugcina, echaza ngokuqondile lolo hlinzeko lwamanzi kwi-akhawunti alunikeziwe.

(2) Umbuzo, isikhalazo noma ukuphikisa kumele kufakwe kumasipala ngokubhala ngaphambi kosuku lokukhokha i-akhawunti.

(3) Umasipala kumele asize ikhasimende elingafundile noma oncishwe amathuba afanayo, ukufaka isicelo, isikhalazo noma ukuphikisa futhi kufanele athathe izinyathelo ezifanele zokuqinisekisa ukuthi kwenziwa ngendlela efanele ngokubhala.

(4) Umbuzo, isikhalazo noma ukuphikisa kumele kuhambisane nenkokhelo ebalwe ngokuthatha isilinganiso esisetshenziswe ikhasimende ngohlinzeko futhi kususwe imali okubuzwa, okukhalazwa, noma okuphikiswayo ngayo.

(5) Umasipala kufanele abhale phansi umbuzo, isikhalazo noma ukuphikisa bese enikeza ikhasimende inombolo ekhombisa ukuba ikuphi lapho iqoshwe khona.

(6) Umasipala: -

(a) uzophenya noma abangele ukuthi umbuzo, isikhalazo noma ukuphikisa kuphenywe kungakapheli izinsuku ezingamashumi amathathu (30) ngemuva kokuba leyo mbuzo noma isikhalazo sibhalisiwe.

(b) kumele azise ikhasimende, ngencwadi, ngakutholile ophenyweni kungakapheli izinsuku eziyishumi nane (14) ngemuva kokuba umbuzo, isikhalazo noma ukuphikisana kubhalisiwe.

22. Ukudlulisa Izikhalazo Eziphikisana Nokutholakele Ngumasipala Maqondana Nemibuzo Noma Izikhalazo

(1) Ikhasimende lingafaka ukudlulisa isikhalazo ngokubhala liphikisane nokutholwe ngumasipala ngokwesigaba samashumi amabili nanye (21).

(2) Isikhalazo ngokwesigatshana (1) kufanele senziwe ngokubhaliwe phansi futhi sifakwe kumenenja kamasipala zingakapheli izinsuku ezingamashumi amabili

nanye (21) ngemuva kokuthi ikhasimende lazisiwe ngokutholiwe okukhulunywe ngakho esigabeni samashumi amabili nanye (21) futhi kufanele: -

(a) abeke izizathu zokudlulisa isikhalazo, futhi

(b) iphelezelwe yidiphozi, njengoba kunqunywa ngumasipala, uma umasipala efuna ukuthi kwenziwe idiphozi.

(3) Umasipala, ngesicelo sekhasimende, angayalela ikhasimende, ukuthi likhokhe yonke imali eliyikhalazelayo.

(4) Ikhasimende liyokhokha zonke ezinye izimali, okufanele lizikhokhele ngosuku olubekiwe ngesikhathi sokwahlulela kwesikhalazo.

(5) Ukudluliswa kwesikhalazo kufanele kunqunywe ngumasipala zingakapheli izinsuku ezingama-shumi amabili nanye (21) ngemuva kokufakwa kokudluliswa kwesikhalazo futhi ikhasimende kumele laziswe ngomphumela ngokubhaliwe, ngokushesha ngangokunokwenzeka, ngemuva kwalokho.

(6) Uma umasipala ethatha isinqumo sokwenqaba lesosicelo, noma isikhalazo noma ukuphikisa, ikhasimende kufanele likhokhe noma yiyiphi imali okutholakele ukuba kufanele ikhokhwe ngokwesinqumo zingakapheli izinsuku eziyishumi nane (14) azisiwe ngomphumela wokudluliswa kwesikhalazo.

(7) Umasipala angavumela ukufakwa kwezikhalazo sekwedlule isikhathi noma ezinye izinto ezingahambisani nenqubo.

23. Ukulinganiswa Okungabangelwa Izilinganiso Ezinamaphutha

(8) Uma ngesikhathi sokudluliswa kwesikhalazo ummangali eveza, ukuthi ithuluzi lokulinganisa alinembile, ithuluzi kuyofanele lihlolwe ngokweziga lemboni, njengoba kunqunywe ngumasipala, ukuze kutholakale ukunemba kwalo futhi ikhasimende kufanele laziswe ngezindleko ezilinganiselwe zalolo vivinyo ngaphambi kokuthi ukuhlolwa okunjalo kwenziwe.

(9) Uma umphumela wokuhlolwa ukhombisa ukuthi ithuluzi lokulinganisa:

(a) linembile, ikhasimende liyobophezeleka ezindlekweni zokuhlolwa kanye nanoma iyiphi imali esilele emuva, futhi lezo zindleko zizofakwa kui-akhawunti yekhasimende.

(b) Uma linganembile, umasipala uyobophezeleka ezindlekweni zalolo vivinyo futhi ikhasimende kufanele laziswe ngemali eyobuyiselwa kulona anelungelo kuyo njengomphumela wokunganembi okuthile.

(10) Idiphozi okukhulunywe ngayo esigatshaneni (2) (b), kufanele-

(a) igcinwe ngumasipala uma ngabe into yokulinganisa itholakala ukuthi ayinaphutha; noma

(b) ibuyiselwe kumfakisicelo ngokwesigatshana 11 (b), uma ngabe ithuluzi lokulinganisa litholakala linephutha.

(11) Ngaphezu kwezigatshana sesishiyagalolunye (9) neseshumi (10) umasipala kumele uma ngabe ithuluzi lokulinganisa itholakala linephutha: -

(a) alungise umshini wokulinganisa noma afake elinye ithuluzi elisebenza kahle, ngaphandle kwenkokhiso kukhasimende, ngaphandle uma izindleko zokwenza kanjalo zingatholakala kukhasimende ngokwemibandela yalo mthemtho noma eminye imithetho kamasipala; futhi

(b) anqume ubungako bokuhlinzeka kwamanzi, ikhasimende elizokhokhiselwa bona esikhundleni senani elilinganiswe ngethuluzi lokulinganisa elingalungile ngokuthatha njengesisekelo sokunquma okunjalo, futhi njengoba umasipala anganquma: -

(i) umthamo wamanzi osetshenziswe ezinyangeni ezintathu ezandulela inyanga lapho isilinganiso siphikiswa khona futhi alungise lelo nani

ngokuya ngezinga lephutha elitholakala ekufundweni kwemitha noma ithuluzi lokulinganisa;

(ii) umthamo olinganisiwe wekhasimende ngesikhathi esilandelanayo samamitha wezikhathi ezintathu ezilandelanayo ngemuva kokuthi imitha elinesici noma ithuluzi lokulinganisa selilungisiwe noma kwafakwa elinye, noma

(iii) ukusetshenziswa kwezinhlinzeko zamanzi kuzakhiwo eziqoshiwe esikhathini esihambisanayo ngonyaka owedlule.

24. Izikweletu Ezisilele Emuva

(1) Uma ikhasimende lehluleka ukukhokha i-akhawunti ngosuku noma ngaphambi kosuku olubekiwe, isaziso sokugcina, sodingeka silethwe ngesandla noma sithunyelwe ngeposi elirejistiwe kukheli lekhasimende elisanda kuqoshwa kungakapheli izinsuku ezimbili (2) zokusebenza izikweletu ezisilele emuva zenzekile;

(2) Ukwehluleka ukuletha noma ukuthumela isaziso sokugcina ngaphakathi kwezinsuku ezimbili (2) akulephuli ikhasimende ekukhokheni imali eyisikweletu esilele.

25. Izikweleti ezihlanganisiwe

Uma inani elifunekayo nelikhokhwa ikhasimende lihlanganisa isikweletu esihlanganisiwe, futhi noma iyiphi inkokhelo eyenziwe ikhasimende yemali engaphansi kwemali efunekayo, izokwabiwa ekunciphiseni isikweletu esihlanganisiwe ngale ndlela elandelayo:-

(a) maqondana nokukhokhwa kwe-akhawunti yamanje;
(b) maqondana nokukhokhwa kwezikweletu
(c) maqondana nokukhokhwa kwenzalo; futhi
(d) maqondana nezindleko ezitholwe ekuthatheni izinyathelo ezifanele ukuqoqa imali okufanele ikhokhwe ngosuku olubekiwe;

angakhulula ikhasimende ekukhokheni izikweletu ezisilele emuva.

26. Inzalo

(1) Inzalo ingakhokhiswa kwizikweletu ezisilele emuva.

(2) Umasipala angahlukanisa phakathi kwezinhlobo zamakhasimende asekhaya, izinhlobo kanye namazinga ohlinzeko, ubungako bohlinzeko, izindawo ngezindawo kanye nezindawo zenhlalo-mnotho ekufuneni inzalo emalini esilele emuva.

27. Isaziso sokugcina

(1) Isaziso sokugcina sokubelesela kumele sibe nezitatimende ezilandelayo: -

(a) Inani lemalini elisilele emuva kanye nenzalo ekhokhwayo;

(b) ukuthi ikhasimende lingangenela isivumelwano nomasipala sokukhokha izikweletu ezisilele emuva kancane kancane zingakapheli izinsuku eziyisikhombisa (7) zokusebenza kusukela osukwini lwesaziso sokugcina.

(c) ukuthi uma singekho isivumelwano esinjalo esenziwe esikhathini esibekiwe ukuhlinzekwa kwamanzi kuzolinganiswa noma kunqanyulwe ngokwesigaba samashumi amabili nesikhombisa (27) sale mithetho kamasipala;

(d) ukuthi izinyathelo zomthetho zingathathelwa noma yiliphi ikhasimende elinesikweletu sezinsuku ezingamashumi ayisithupha (60);

(e) ukuthi i-akhawunti ingadluliselwa kumqoqi wezikweletu ukuze ayiqoqe, nokuthi

(f) ubufakazi bokubhaliswa, njengekhasimende elimpofu, ngokwemigomo yale mithetho kamasipala kufanele bulethwe emahhovisi kamasipala ngaphambi kosuku lokugcina lwesaziso sokugcina.

28. Ukulinganiselwa Noma Ukunqanyulwa Kohlinzeko Lwamanzi

(1) Unjiniyela anganciphisa noma avale amanzi ngokwemigomo yale mithetho kamasipala; -

(a) ngokwehluleka ukukhokha imali enqunyiwe ngosuku olubekiwe, ngokuhambisana nangemva kwenqubo ebekwe emithethweni kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu sekulandeliwe;

(b) ngesicelo esibhaliwe sekhasimende;

(c) uma isivumelwano sokuhlinzekwa kwemisebenzi sinqanyuliwe ngokuya ngemithetho kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu;

(d) ibhilidi elisendaweni lapho bekutholakala uhlinzeko lidiliziwe;

(e) Uma ikhasimende liphazamise uhlinzeko olulinganiselwe noma olunqanyuliwe;

(f) Okuphuthumayo noma esimweni esiphuthumayo, esimenyezelwe ngokwemithetho kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu, noma

(g) Uma ikhasimende liphazamise, laganga noma lonakalisa noma laba imbangela noma lavumela ukuphazamiseka, ukuganga noma ukulimaza uhlelo lokuphakelwa kwamanzi lukamasipala ngenhloso yokuthola amanzi ngemuva kokwaziswa ngumasipala.

(2) Unjiniyela anganqamula ukuhlinzeka kokuthuthwa kwendle okunikezwe ngokwemithetho kamasipala: -

(a) Ngesicelo esibhaliwe sekhasimende;

(b) Uma isivumelwano sokuhlinzekwa kokuthuthwa kwendle sinqanyuliwe ngokuya ngemithetho kamasipala ephathelene nokulawulwa kwezikweletu nokuqoqwa kwazo;

(c) Uma ibhilidi elisegcekeni lapho kade kuhlinzekwa ngemisebenzi selidiliziwe.

(3) Umasipala ngeke abhekane nanoma yimuphi umonakalo noma izimangalo ezingavela ekunciphiseni noma ekunqanyulweni kohlinzeko lwamanzi okunikeziwe ngokwemigomo yezigatshana sokuqala (1) nesesibili (2), kuhlanganisa umonakalo noma izimangalo ezingase zivele ngenxa yokulincishiselwa noma ukunqanyulwa kohlinzeko lwamanzi ngumasipala ngenkolelo eyiqiniso yemigomo ebhalwe kusigatshana sokuqala (1) nesesibili (2), isetshenzisiwe.

29. <u>Ama-Akhawunti asilele ngemuva ngaphezu kwezinsuku Ezingamashumi ayisithupha (60)</u>

(1) Lapho i-akhawunti enikezwe ikhasimende ihlala ingakhokhiwe izinsuku ezingaphezu kwamashumi ayisithupha (60) umasipala—

(a) angathathela ikhasimende izinyathelo zomthetho ukuze kutholakale imali esilele emuva;

(b) adlulise i-akhawunti yekhasimende kumqoqi wezikweletu ukuze ayiqoqe.

(2) Ikhasimende liyothwala icala lazo zonke izimali eziyoqoqwa eziphathelele nokusingatha, izindleko ezitholakele ekuthatheni izinyathelo zokuthola isikweletu esisele emuva kanye nanoma yiziphi izinhlawulo, kuhlanganisa ukukhokha idiphozi ephezulu, engase inqunywe ngumasipala ngezikhathi ezithile.

(3) Izindleko ezihambisana nokwehliswa noma ukunqanyulwa kohlinzeko lwamanzi zizoba izindleko zekhasimende futhi zizofakwa emalini esilele emuva okufanele ikhokhwe yikhasimende ngesikhathi esibekiwe sokukhokha.

30. Okuvamile

(1) Akukho sinyathelo esithathiwe ngokuya ngale mithetho kamasipala ngenxa yokungakhokhi esizomiswa noma sihoxiswe, ngaphandle uma izikweletu ezisilele emuva, inzalo, imali yokuphatha engabuyiseka, izindleko ezengeziwe, izindleko ezitholakele ngokuthatha izinyathelo ezifanele nezinye izinhlawulo, kuhlanganise ukukhokhwa kwemali yediphizi enkulu, zikhokhwe ngokuphelele.

(2) Umasipala ngeke abe necala lokulahlekelwa noma ukulimala okuyokwehlela ikhasimende ngenxa yohlinzeko ngamanzi, ngemuva kokuncishiselwa noma ngokunqanyulelwa.

31. Isivumelwano Sokukhokhwa Kwesikweletu Ngamancozuncozu

(1) Izivumelwano ezilandelayo zokukhokhwa kwemali esilele emuva ngamancozuncozu zingenziwa: -

(a) ukuvuma isikweletu;

(b) ukuvuma ukwahlulelwa, noma

(c) ukwehlulelwa ngokudonsa imali eholweni lakho (emolument attachment order)

(2) ikhasimende kuphela elinobufakazi obuqinisekile bokuthi lingubani noma umuntu ogunyaziwe, ngokubhalwe phansi, yilelo khasimende, noma, uma ikhasimende lingafundile, umuntu ogunyazwe ikhasimende, phambi kwesikhulu esiqokwe yisiphathimandla ngaleyo njongo, bavunyelwe ukungena esivumelwaneni sokukhokha izikweletu ezisilele emuva ngamancozuncozu.

(3) Alikho ikhasimende eliyovunyelwa ukungena esivumelwaneni sokukhokha izikweletu ezisilele ngamancozuncozu uma lelo khasimende lehlulekile ukuhlonipha isivumelwano sangaphambilini sokukhokha izikweletu ezisilele emuva ngamancozuncozu, ngaphandle uma umasipala, ngokubona kwakhe, evumela ikhasimende ukwenza lokho.

(4) Ikhophi yesivumelwano kufanele inikezwe ikhasimende.

(5) Isivumelwano sokukhokhwa kwemali esisilele ngamancozuncozu akufanele kungenwe kuso ngaphandle kwalapho ikhasimende selikhokhe i-akhawunti yalo yamanje.

32. Izindleko Ezingeziwe, ukukhokhela ingxenye Kanye Nezitolimende

(1) Izindleko ezihambisana nokungena ezivumelwaneni zokukhokha izikweletu ezisilele emuva nokuncishiswa noma ukunqanyulwa kohlinzeko lwamanzi ngokuya kwesigaba samashumi amabili nesishiyagalombili (28) zizofakwa emalini esilele emuva okufanele zikhokhwe ikhasimende.

(2) Umasipala kumele, lapho enquma inani lemali ekhokhwa ikhasimende uma lingena esivumelwaneni sokukhokha izimali ezisilele emuva ngamancozuncozu futhi nezitolimende ezikhokhwa maqondana nanoma yimaphi amanani asilele emuva, abhekele lezi zinto ezilandelayo:-

(a) irekhodi lezikweletu lekhasimende;
(b) inani elisilele emuva;
(c) izinga lokusetshenziswa kohlinzeko lwamanzi;
(d) izinga lenhnlinzeko enikezwa ikhasimende;
(e) ukwephulwa kwangaphambilini kwezivumelwano (uma kukhona) zokukhokha izikweletu ezisilele emuva; futhi
(f) noma yiziphi ezinye izinto ezifanele.

(3) Uma ikhasimende, lapho lingena esivumelwaneni sokukhokha izikweletu ezisilele emuva ngamancozuncozu, kuba sobala ukuthi alikwazi ukukhokha imali okukhulunywe ngayo esigabeni sika 30 (5), umasipala, ngemuva kokubheka izinto okukhulunywe ngazo esigatshaneni sesibili (2):-

(a) angayelula inkokhelo yayo kuze kube ukuphela kwenyanga, lapho ikhasimende lingena ngayo esivumelwaneni; noma
(b) angafaka inani elinjalo lemalini eliyokhokhwa ngokwesivumelwano.

(4) Umasipala, ngemuva kokubheka izinto okukhulunywe ngazo esigatshaneni sesibili (2), angafuna ukuthi ikhasimende likhokhe imali eyengeziwe, uma lingena esivumelwaneni sokukhokha izikweletu ezisilele emuva, ngaphezu kwe-akhawunti yamanje, eyobe imele amaphesenti emali esilele emuva.

(5) Umasipala, uma ikhasimende lingena esivumelwaneni noma nganoma yisiphi isikhathi ngemuva kwalokho: -

(a) angafaka imitha ekhokhelwa ngaphambili; noma

(b) anciphise uhlinzeko lwamanzi kusisekelo sohlinzeko lwamanzi.

33. Ubude Bezivumelwano

(1) Asikho isivumelwano sokukhokhwa kwezikweletu ezisilele ngemuva kuka-1 Januwari (Umasingane) 2003 esiyovunyelwa ukukhokhwa kwezikweletu ezisilele emuva, esikhathini esingaphezulu kwezinyanga ezingama shumi amabili nane (24).

(2) Uma umasipala, ekuthatheni isinqumo ngobude besivumelwano sokukhokha izikweletu ezisilele emuva, angabheka: -

(a) Irekhodi lezikweletu lekhasimende;

(b) Inani lemali elisilele emuva;

(c) inani elingaphambi nangemuva kokudonsiwe eholweni lekhasimende;

(d) izinga lokusetshenziswa kohlinzeko lwamanzi;

(e) izinga lohlinzenko elinikezwa ikhasimende;

(f) ukwephulwa kwangaphambilini kwezivumelwano zokukhokha izikweletu ezisilele emuva ngamancozuncozu; futhi

(g) noma iyiphi enye into efanele.

34. Ukwehluleka Ukuhlonipha Izivumelwano

(1) Uma ikhasimende lehluleka ukuhambisana nesivumelwano sokukhokha izikweletu ezisilele emuva ngesitolimende, imali yonke ekweletwayo,

kuhlanganise izikweletu ezisilele emuva, noma iyiphi inzalo, imali yokusingatha, izindleko ezitholakele ekuthatheni izinyathelo ezifanele, kanye nezinhlawulo, kuhlanganisa nokukhokhwa kwediphozithi ephezulu, iyokhokhwa ngokushesha futhi ikhokhwe ngaphandle kokuthola esinye isaziso noma izincwadi futhi umasipala angenza lokhu okulandelayo:-

(a) anciphise noma anqamule izinhlizeko zamanzi ezibalulwe esazisweni sokugcina esithunyelwe kwikhasimende ngokuhambisana nesigaba samashumi amabili nesikhombisa (27);

(b) athathe izinyathelo zomthetho ukuze kutholakale imali esilele emuva; futhi

(c) anikele i-akhawunti yekhasimende kumqoqi wezikweletu noma kummeli ukuze ayiqoqe;

35. Ukuxhuma Kabusha Kwezinhlinzeko

(1) Isivumelwano sokukhokhwa kwemali esilele ngamancozuncozu, esingenelwe ngemuva kokuthi uhlinzeko lwamanzi luncishisiwe noma lunqanyuliwe, ngeke kuholele ekutheni uhlinzeko lubuyiselwe kuze kube:-

(a) i-akhawunti yamanje, isitolimende sokuqala esikhokhwa ngokwesivumelwano sokukhokhwa kwezikweletu ezisilele emuva ngamancozuncozu kanye nazo zonke izimali zokusingatha ezingabuyiseka, izindleko ezitholakele ekuthatheni izinyathelo ezifanele nanoma yiziphi izinhlawulo, kuhlanganisa ukukhokhwa kwediphozithi ephezulu, sezikhokhwe ngokugcwele; noma

(b) isikhalazo sokudlulisa esibhaliwe esenziwe ikhasimende, ngesizathu sokuthi likhokhe imali yesitolimende ngesikhathi futhi egcwele kanye namanani akhokhwayo okufanele ekhokhiwe okungenani isikhathi esingangezinyanga eziyisithupha (6) kuvunyelwe ngumasipala.

(2) Ngaphezu kwanoma yiziphi izinkokhelo okukhulunywe ngazo esigatshaneni sokuqala (1), ikhasimende kufanele likhokhe imali ejwayelekile yokuxhuma kabusha, njengoba kunqunywa ngumasipala ngezikhathi ezithile, ngaphambi kokuba umasipala axhume kabusha uhlinzeko lwamanzi.

(3) Uhlinzeko lwamanzi luyobuyiselwa zingakapheli izinsuku eziyisikhombisa (7) zokusebenza ngemuva kokuba ikhasimende lithobele izinhlinzeko zezigatshana sokuqala (1) ne sesibili (2).

ISAHLUKO 3:

UKUHLINZEKWA NGAMANZI KUMAKHASIMENDE AMPOFU

36. Ukufanelekela ukubhaliswa

ikhasimende lasekhaya, elinomndeni lapho umholo ophelele wenyanga wawo wonke amalungu awo aneminyaka engu-18 noma ngaphezulu, ingaphansi kwemali enqunywe ngumasipala ngezikhathi ezithile:-

(a) lingenawo umuzi ongaphezu kowodwa, futhi
(b) lingenayo imali engenayo ngokuqashisa ngomuzi noma ingxenye yomuzi

lifaneleke njengomuntu ompofu futhi, uma lifaka isicelo sokubhalisa, ngokuya ngemibandela yesigaba sika 40, 42 no-43 yale mithetho kamasipala, angabhaliswa njengomuntu ompofu.

37. Isicelo Sokubhalisa

(1) ikhasimende elifisa ukufanelekela ukuthathwa njenge khasimende elimpofu kufanele ligcwalise ifomu lesicelo njengoba kunqunywe ngumasipala.

(2) Noma yisiphi isicelo ngokwesigatshana sokuqala (1) kufanele sihambisane nalokhu:-
- (a) ubufakazi obubhaliwe bemali ayitholayo, njengencwadi evela kumqashi, isiliphu somholo, ikhadi lempesheni, ikhadi lesikhwama somshwalense wokungasebenzi; noma
- (b) incwadi efungelwe echaza ukuthi akasebenzi futhi isho noma iyiphi imali okungenzeka abe nayo yize engasebenzi; futhi
- (c) i-akhawunti yakamuva yekhasimende yakwaMasipala , uma ikhona, futhi uma ikuye;
- (d) ikhophi eqinisekisiwe kamazisi womthengi; futhi
- (e) amagama nezinombolo zikamazisi zabo bonke abahlali abangaphezu kweminyaka eyishumi nesishiyagalombili (18) abahlala kulelokhaya.

(3) ikhasimende elifaka isicelo sokubhaliswa njengekhasimende elimpofu kuzodingeka liqinisekise ukuthi yonke imininingwane eyinikeze kufomu lesicelo kanye neminye imibhalo kanye nemininingwane enikezwe maqondana nesicelo iyiqiniso futhi ilungile.

(4) Umasipala uzosayina ifomu lesicelo kanye nekhasimende bese eqinisekisa kufomu lesicelo ukuthi lokho okuqukethwe kanye nemiphumela yekhasimende ngokwamukelwa kwalo, liachazelwa futhi lasho ukuthi liyayiqonda incazelo enikeziwe.

38. Ukugunyazwa Kwesicelo

(1) Umasipala angathumela ababamele ezindaweni noma kubantu abafaka isicelo sokubhaliswa njengamakhasimende ampofu ukuze baphenye ukuthi imininingwane enikezwe ngaphambi kokuvunywa kwesicelo iyiqiniso; kanye nezinhlinzeko zesigaba 61 ziyasebenza kulolo phenyo.

(2) Isicelo esitholwe ngokuhambisana nesigaba 40 sizobhekwa ngumasipala futhi umfakisicelo kumele aziswe ngokubhalwe phansi zingakapheli izinsuku ezingamashumi amathathu (30) zokusebenza ngemuva kokuba umasipala ethole isicelo, ukuthi ngabe imvume unikeziwe noma akanikeziwe, futhi uma singavunyangwa, umfakisicelo kufanele anikezwe izizathu zokwenqatshwa.

(3) Izinhlinzeko zeSigaba samashumi amabili nanye (21) Kanye na-mashumi amabili nambili (22) zale mithetho kamasipala zizosebenza maqondana nekhasimende elizizwa lingagculisekile ngesinqumo sikamasipala ngokwesigatshana sesibili (2).

(4) Isicelo sizovunyelwa kuphela isikhathi sonyaka wezimali kamasipala futhi nesicelo esivunyelwe phakathi nonyaka wezimali zikamasipala sizosebenza kuphela esikhathini esisele sonyaka wezimali zikamasipala

39. Imibandela

Umasipala ngemuva kokuvuma isicelo noma nganoma yisiphi isikhathi ngemuva kwalokho angase: -

(a) Anciphise izinhlinzeko zamanzi zekhasimende elimpofu kunhlizeko zamanzi.

40. Isicelo Sonyaka

(1) ikhasimende elimpofu kumele njalo ngonyaka, ngaphambi kokuphela konyaka wezimali kamasipala, lifake isicelo kabusha sokubhaliswa njengomthengi ompofu kulowo nyaka wezimali ozayo, uma kungenjalo usizo luzophela ngokuzenzakalelayo.

(2) Izinhlinzeko zesigaba samashumi amathathu nesishiyagalolunye (39) kanye namashumi amane (40) zizosebenza kunoma yisiphi isicelo ngokwesigatshana sokuqala (1).

(3) ikhasimende elimpofu ngeke lilindele ukuthathwa njengekhasimende elimpofu kunoma yimuphi unyaka olandelayo noma kulandela unyaka abhaliswe ngawo futhi umasipala enganiki siqinisekiso ngezizathu ezilindelekile ngokuvuselelwa.

(4) Umasipala uzokwazisa umfakisicelo ngokubhaliwe phansi, zingakapheli izinsuku zokusebenza ezingama shumi amathathu (30) ethole isicelo, ukuthi isicelo sivunyilwe noma asivunyiwe, futhi uma engavunyelwanga, umfakisicelo kufanele anikezwe izizathu zokuthi kungani singavunyangwa.

(5) Izinhlinzeko zeSigaba samashumi amabili nanye (21) kanye nama shumi ababili nambili (22), zalemithetho kamasipala zizosebenza maqondana nekhasimende elinganelisekile ngesinqumo sikamasipala ngokwesigatshana sesine (4).

41. Uhlinzeko Oluxhasiwe Lwabathengi Abampofu

(1) Umasipala minyaka yonke njengengxenye yenqubo yakhe yesabelomali, anganquma izinhlinzeko zamanzi kanye namazinga ezinhlinzeko zamanzi azonikezwa uxhaso maqondana namakhasimende ampofu kuncike ngemigomo yokusimama nokufinyeleleka.

(2) Umasipala ngesinqumo ngokwesigatshana sokuqala (1) kufanele anikeze isaziso somphakathi mayelana nakunqumile.

(3) Isaziso somphakathi ngokwesigatshana sesibili (2) kufanele siqukathe okungenani lokhu okulandelayo:-

(a) izinga noma ubungako benhlinzeko yamanzi azoxhaswa;

(b) izinga loxhaso;

(c) indlela yokubala uxhaso; futhi

(d) noma yimiphi imigomo nemibandela ekhethekile ezosebenza kuloloxhaso, enganikezwanga kule mithetho kamasipala.

(4) Ikhasimende elimpofu lizobophezeleka ukukhokha noma yiziphi izinhlinzeko zamanzi ezinikezwa ngumasipala noma izinhlinzeko zamanzi ezisetshenzisiwe noma ezisetshenzisiwe ngokweqile emazingeni noma ebuningini noma obunqunywe esigatshaneni (1).

(5) izinhlinzeko zeSahluko sesibili (2), nazo zonke izinguquko ezidingekayo, ziyosebenza kuzozonke izimali eziyokhokhwa ngesikhathi esinqunyiwe, ngokwesigatshana sesine (4).

42. Ukuxhaswa kohlinzeko lomxhaso

Izinhlinzeko ezixhasiwe okukhulunywe ngazo esigabeni samashumi amane nane (44), ziyoxhaswa ngemali evela engxenyeni yemali eqoqwe kuzwelonke enikezwe umasipala futhi uma leyo mali inganele izinhlinzeko ziyoxhaswa ngemali engenayo

eqoqwe emalini yentela yomhlaba, noma izindleko ezikhokhwayo maqondana nohlinzeko lwamanzi.

43. Izikweletu Ezisilele Emuva Zabathengi Abampofu Uma Kuvunywa Isicelo

(1) Imali esilele emuva enqwabelene maqondana nama-akhawunti kamasipala amakhasimende ngaphambi kokubhaliswa njengamakhasimende ampofu ayomiswa isikhathi lapho ikhasimende liqhubeka libhaliswe njekhasimende elimpofu, futhi inzalo ngeke iqoqwe maqondana nezikweletu ezisilele emuva ngesikhathi isamisiwe.

(2) Izimali ezisilele emuva ezimiswe ngokwesigatshana sokuqala (1) zizokhokhwa ngesikhathi esinqunyiwe ikhasimende ngezitolimende zanyanga zonke, eziyonqunywa ngumasipala, ekucishweni kokubhaliswa njengomthengi ompofu, ngokuhambisana nesigaba samashumi amane nesishiyagalombili (48) futhi inzalo iyokhokhwa ezikweletini ezisilele emuva.

(3) Ngaphandle kosizo esigatshaneni sesibili (2) izikweleti ezimisiwe isikhathi esiyiminyaka emibili (2) noma engaphezulu, ngeke, ngokuya ngemibandela yesigatshana sesine (4), zithathwe kumakhasimende acishiwe ekubhaliseni.

(4) Izimali ezisilele emuva ezingatholwanga ngenxa yezihlinzeko zesigatshana sesibili (2) zizohlala ziyicala lendawo yekhasimende elimpofu isikhathi esiyiminyaka emihlanu (5), ngemuva kokuba ikhasimende libhaliswe okokuqala njengekhasimende elipomfu, futhi ziyokhokhwa ngesikhathi esinqqunyiwe lapho indawo yakhe idayiswa, kungakhathaliseki ukuthi ikhasimende ngeke lisakwazi ukubhaliswa njengekhasimende elimpofu ngesikhathi loyomhlaba udayiswa. Isitifiketi se-clearance esimaqondana nendawo siyokhishwa ngumasipala kuphela uma lezo zimali ezisilele emuva sezikhokhiwe ngokuphelele.

44. Ukucwaningwa Kwamabhuku

Umasipala, ngokuya ngezinhlinzeko zanoma yiliphi igunya lezimfihlo nokugcina imfihlo elaziwa yinoma yimuphi umthetho, angenza ucwaningo olungahleliwe ukuze: -

(a) aqinisekise imininingwane enikezwa amakhasimende ampofu;
(b) ukuqopha noma yiziphi izinguquko ezimweni zamakhasimende ampofu; futhi
(c) enze izincomo mayelana nokucishwa kokubhaliswa kwekhasimende elimpofu.

45. Ukwesula Ukubhalisa

(1) ikhasimende elimpofu kumele licele ngokushesha ukwesulwa ekubhalisweni ngumasipala uma izimo zakhe sezishintshile futhi engasakwazi ukuhlangabezana nezimfuneko ezibekwe esigabeni samashumi amathathu nesithupha (36).

(2) ikhasimende elimpofu lingasulwa ngokuzenzakalelayo uma isicelo singenziwanga ngokuhambisana nesigaba samashumi amane (40) noma uma isicelo esinjalo singavunyelwanga.

(3) Ikhasimende elimpofu lingacela ukucishwa ekubhalisweni nganoma yisiphi isikhathi.

(4) Umasipala angasula ukubhaliswa kwekhasimende elimpofu uma:-
   (a) ukucwaningwa kwamabhuku noma ukuqinisekiswa kugcina ngokuthi izimo zezimali zekhasimende elimpofu zishintshile kwaze kwaba yilapho engasazifezi izimfuneko ezibekwe esigabeni samashumi amathathu nesithupha (36).
   (b) Uma umasipala esola ngokunengqondo ukuthi ikhasimende ngamabomu noma ngokunganaki linikeze imininingwane engelona iqiniso kwifomu

lesicelo noma kweminye imibhalo kanye nemininingwane eqondene nesicelo;

(c) kumele ngaphambi kokusulwa ukubhaliswa kwekhasimende, athumele ngesandla noma athumele ngeposi elirejistiwe isaziso sokucisha ukubhaliswa, ekhelini lekhasimende elisanda kubhaliswa.

(5) Ngaphambi kokusula ukubhaliswa kwekhasimende elimpofu, isaziso sokusula ukubhalisa kufanele silethwe ngesandla noma sithunyelwe ngeposi elirejistiwe, ekhelini lekhasimende elisanda kubhwaliswa.

(6) Isaziso sokwesulwa ekubhaliseni kufanele sibe nezitatimende ezilandelayo: -

(a) ukuthi umasipala ucabanga ukwesula ikhasimende elimpofu nezizathu zalokho;

(b) ukuthi ikhasimende kumele zingakapheli izinsuku zokusebenza eziyisikhombisa (7), kusukela ngosuku lwesaziso sokwesulwa kobhaliso lenze izethulo kumasipala zokuthi kungani kungafanele lesulwe;

(c) ukuthi uma kungekho izincomo elizenzile ngesikhathini esibekiwe ukuthi uyosulwa njengekhasimende elimpofu;

(d) ukuthi ekusuleni kobhaliso, inkokhelo yazo zonke izinhlinzeko ezitholwe ikhasimende njengekhasimende elimpofu kungafanela ikhokhelwa kumasipala, uma ngabe ukubhaliswa kwacatshangelwa ngemininingwane eyayingamanga eyanikwa ikhasimende noma uma lehlulekile ukuhambisana nemigomo yesigatshana sokuqala (1).

(7) Umasipala ngokushesha, kungakapheli izinsuku eziyisikhombisa (7) zokusebenza, ezivunyelwe ukuba kwenziwe izethulo, angasula ikhasimende njelimpofu.

(8) Lapho ikhasimende elimpofu lisulwa ekubhaliseni ngaphansi kwezizathu zokuthi lafaka imininingwane engamanga, umasipala engathola inkokhelo yazo

zonke izinhlizeko ezatholwa yikhasimende njengekhasimende elimpofu, kuhlanganise kwanoma yiziphi ezinye izinyathelo zomthetho umasipala angazithathele ikhasimende elinjalo.

(9) Uma ikhasimende elimpofu lenza izethulo kumasipala esikhathini esibekiwe, umasipala kufanele azise ikhasimende ngokubhaliwe phansi zingakapheli izinsuku eziyisikhombisa (7) zokusebenza, ngemuva kokuthola izethulo, ngesinqumo sokuba izethulo zakhe ziphumelele noma aziphumelelanga.

(10) Izinhlinzeko zeZigaba zamashumi amabili nanye (21) kanye namashumi amabili nambili (22) zemithetho kamasipala zizosebenza ngokunjalo maqondana nekhasimende elingahambisani nesinqumo sokusulwa ukubhalisa ngokwemigomo yesigatshana sesine (4).

ISAHLUKO 4: IZIMO EZIPHUTHUMAYO

46. Isimemezelo Sezimo Eziphuthumayo

(1) Umasipala noma ngasiphi isikhathi ngokwesicelo sikamasipala angamemezela ngesaziso somphakathi, ukuthi kunesimo esiphuthumayo ezakhiweni zokuphakela amanzi maqondana nohlinzeko lwamanzi, noma izinhlinzeko zamanzi ezingaphezu kweyodwa, uma ngokombono kamasipala, zingaba nobungozi obukhulu ekusebenzeni ngokwezezimali noma ngokusimama kukamasipala, noma ukunikezwa okusimeme kohlinzeko oluthile lwamanzi emphakathini kukhona, nokuthi akukho zinyathelo ezizwakalayo ezingathathwa ukugwema noma ukunciphisa ubungozi, kodwa, angenza lokho uma umasipala ekhiphe umbiko oqukethe lokhu okulandelayo:-

(a) imininingwane yazo zonke izinyathelo ezithathiwe ukugwema noma ukunciphisa ubungozi;

(b) Ukuhlolwa kokuthi kungani noma yisiphi isinyathelo esithathwe ngumasipala sokugwema noma ukunciphisa ubungozi singaphumelelanga;

(c) imininingwane yezinyathelo ezihlongozwayo ezizothathwa ngumasipala ukugwema noma ukunciphisa ingcuphe;

(d) ukuhlolwa komthelela noma umthelela ongaba khona wezinyathelo ezihlongozwayo kumakhasimede ngawodwana ngaphakathi kwendawo efanele yokuhlinzeka, kuhlanganise, kodwa kungagcini, ngokwezempilo nasekutholakaleni kwezinhlinzeko eziyisisekelo;

(e) imininingwane yezinyathelo zekufundisa nezokuxhumana ezizothathwa, noma esezithathiwe noma ezithathiwe, ngaphambi kokuqaliswa kwezinyathelo ezihlongozwayo;

(f) ubude besikhathi sezinyathelo ezihlongozwayo ezizothathwa; kanye

(g) imininingwane yezinyathelo ezifanele ezizothathwa ukuqinisekisa ukufinyelela ngokulinganayo komuzi ngamunye ezakhiweni yokuphakela kulolo hlinzekolwamanzi;

(2) Isaziso somphakathi ngokwesigatshana sokuqala (1) kufanele okungenani sibe nemininingwane elandelayo esebenza ezimweni ezithile eziphuthumayo;

(a) izizathu zesimemezelo;

(b) amakhasimende, nabanikazindawo leyo, abazothinteka ngesimemezelo;

(c) uhlobo, izinga nobungako bohlinzeko lwamanzi oluzonikezwa;

(d) ubude besikhathi sesimemezelo;

(e) indlela yokusebenzisa isimemezelo;

(f) izinyathelo noma ukuqikelela okuthile okufanele kuthathwe ngamakhasimende athintekayo; kanye

(g) usizo olukhethekile olunganikezwa amakhasimende ngalinye uma befaka isicelo kumasipala.

(3) Uma kwenzeka ukumenyezelwa kwendawo yokuphakela njengendawo ephuthumayo ngokuya kwezigatshana sokuqala (1) kanye nesesibili (2), unhlinzeko lwamanzi kuleyo ndawo yokuphakelwa lungalinganiselwa emisebenzini yamanzi eyisisekelo somndeni njengoba kunqunywa ngumasipala ngezikhathi nesikhathi, inqobo nje uma kungeke noma ingasiphi isikhathi uhlinzeko lwamanzi njengoba luhlinzekwa umasipala kuleyo ndawo yokuphakela, lube ngaphansi kwenani elihlanganisiwe elidingekile kanye nenhlanzeko yamanzi ayisisekelo njengoba kunqunywa ngumasipala ngemindeni kuleyo ndawo yokuphakela.

(4) Umasipala kufanele athumele umbiko wesimo sanyanga zonke kumasipala oqukethe okungenani imininingwane elandelayo: -

(a) noma yikuphi ubungcono kwezimo eziboniswe kwimininingwane yalapho isimemezelo sasisekelwe khona;

(b) umthelela wezinyathelo ezihlongozwayo kumakhasimende ngalinye, ngaphakathi kwendawo efanele yokuhlinzeka, kuhlanganise, kodwa kungagcini, imiphumela ngokwezempilo nasekutholakaleni kohlinzeko oliyisisekelo;

(c) usizo olukhethekile olunikezwe amakhasimede ngalinye.

(5) Umasipala kumele ngesaziso somphakathi amemezele ukuthi indawo akuseyona engaphansi kwesimo esiphuthumayo: -

(a) uma noma yimiphi imininingwane lapho isimemezelo sisekelwe khona, ibangcono ngendlela yokuthi kungagwemeka noma kuncishiswe ubungozi okukhulunywe ngabo esigatshaneni sokuqala (1) akusahambisani nalokho okumenyezelwe njengendawo engaphansi kwesimo esiphuthumayo;

(b) uma, ngokombono wakhe, kuze kwaba nobunzima obungadingekile boku hlukunyezwa kwabathengi abathintwe yisimemezelo;

(c) ekupheleni kwesikhathi esibekwe ngokwesigatshana sokuqala (1) kanye nesesibili (2).

(6) Umasipala angacela umasipala ukuthi amemezele indawo yokuphakela njendawo yesimo esiphuthumayo ngemuva kokuphela kwesimemezelo ngokwe sigatshana sesithathu (3), uma ngokubona kukamasipala kudingeka isimemezelo esisha.

(7) izinhlinzeko zezigatshana sokuqala (1) kuya kwesesine (4), zisebenza ngokwesicelo sesigatshana sesithupha (6).

ISAHLUKO 5: AMAZINGA OHLINZEKO

47. Amazinga ohlinzeko

(1) Umasipala, ngezikhathi ezithile, nangokuhambisana nenqubomgomo kazwelonke, kepha ngokuya ngezimiso zokusimama nokufinyelela, ngesaziso somphakathi, anganquma amazinga ohlinzeko akwazi ukuwanikeza amakhasimende.

(2) Umasipala ekunqumeni amazinga ohlinzeko angahlukanisa phakathi kwezinhlobo zamakhasimende, amakhasimende asekhaya, izindawo ngezindawo kanye nangokwenhlalo-mnotho.

(3) Amazinga okusebenza alandelayo, ngokuya kwesigatshana sokuqala (1), angahlinzekwa ngumasipala: -

(a) Ukuhlinzeka okuhlangene kwamanzi kanye nohlinzeko lokuhlanza: -

(i) Okuhlanganisa izinga eliphantsi umasipala angakwazi ukuhlinzeka;

(ii) Okuhlangene ipayipi lesitandi elabela amanzi kwwezinye izindawwo ngemuva kokuthi elashwe noma ithangi lamanzi elakhiwe endaweni ehambekayo ngezinyawo ukusuka kunoma umuphi umuzi oyobe unendlu yangasese yomgodi ethuthukisiwe neshaya umoya eyobe itholakala kuzakhiwo, izakhiwo eziyobe zichaza ubuphansi bendawo eyenzelwe uhlobo oluthile olakhiwe lwemijondolo yokuhlala;

(iii) ifakwe mahhala;

(iv) Inikezwe mahhala ngaphandle kwenkokhela kumakhasimende; futhi

(v) inakekelwa ngumasipala

(b) Ukuxhunywa kwegceke okungaxhunyiwe kunoma yikuphi ukufakwa kwamanzi kanye nokuxhuma ngomuntu ngamunye okuxhunywe ohlelweni lukamasipala lokuthuthwa kwendle: -

(i) Kuhlanganisa ipayipi lesitende elinganamitha elisezakhiweni elingaxhunyiwe kunoma yikuphi ukufakwa kwamanzi kanye nohlobo lwendlu yangasese othela amanzi bese uyadonsa, indawo

yokugezela kanye nesakhiwo sendlu yangasese esifanelekile esixhunywe ohlelweni lwakwamasipala lokuthuthwa kwendle;

(ii) Efakiwe mahhala;

(iii) Enakekelwa ngumasipala;

(c) Amanzi anomfutho anemitha axhunyiwe anxhunyelwe umuntu ngamunye ohlelweni lokuthuthwa kwendle lukamasipala: -

(i) olufakwe ngokukhokhwa kwezindleko zokuxhumana;

(ii) olunikezwe ngokwenkokhelo yezindleko ezibekiwe; futhi

(iii) ukufakwa kwamazi kanye nama payipi achitha amanzi okuyonakekelwa ikhasimende.

ISAHLUSO 6 : IMIBANDELA YOKUHLINZEKA NGAMANZI

48. Ukuhlinzeka Ngamapayipi Okuxhuma

(1) Uma isivumelwano sokuhlinzekwa kwamanzi maqondana nesakhiwo sesiphelelisiwe futhi lingekho ipayipi lokuxhuma elikhona maqondana nesakhiwo, umnikazi uzofaka isicelo kwifomu elibekiwe akhokhe imali enqunyiwe yokufaka ipayipi elinjalo.

(2) Uma isicelo senzelwa uhlinzeko lwamanzi olunobubanzi noma ngendlela elibekeke ngayo lidinga ukuthi landiswe, liguquliwe noma kuthuthukisiwe uhlelo lokuphakelwa kwamanzi ukuze kunikezwe amanzi ezakhiweni, umasipala angavuma ukunwetshwa uma nje umnikazi ezokhokhela izindleko zokunweba, njengoba kunqunywe unjiniyela.

(2) Unjiniyela kuphela onelungelo lokufaka ipayipi lokuxhuma kodwa umnikazi noma ikhasimende linangaxhuma ukufakwa kwamanzi kwipayipi lokuxhuma.

(4) Akekho umuntu ongaqala ukwakhiwa kwentuthuko kunoma yisiphi isakhiwo ngaphandle uma unjiniyela efake ipayipi lokuxhuma nemitha.

49. Indawo Yepayipi Lokuxhuma

(1) Ipayipi lokuxhuma elinikezwe futhi lafakwa ngunjiniyela: -

(a) Kufanele libe sendaweni eyonqunywa ngunjiniyela futhi libe nosayizi ofanele oyonqunywa unjiniyela;

(b) liphelela: -

(i) emngcele womhlaba ongaphansi ongoka masipala noma ophathiswe umasipala, noma ngaphezu kwalalpho enelungelo lokusebenzisa umhlaba noma elinye ilungelo; noma

(ii) emlonyeni wemitha lamanzi noma kuma valvu ahukanisayo uma etholakala ezakhiweni

(2) Unjiniyela angavuma ngokwesicelo sanoma yimuphi umuntu, ngokuya ngemibandela engabekwa unjiniyela, ukuba akwazi ukuxhuma epayipini elikhulu, esikhundleni salelo payipi elisuke selikulungele ukusetshenziswa ukuhlinzeka amanzi ezakhiweni, inqobo uma umfakisicelo ezoba nejoka lokukhokhwa kwanoma ikuphi ukunwetshwa kokufakwa kwamanzi endaweni yokuxhuma eyobe igunganzwe umasipala kanye nokuthola loko ngezindleko zakhe, ilungelo lokusebenzisa umhlaba ngaphezu kwezinye izakhiwo uma kudingeka.

(3) Umnikazi kufanele akhokhe imali enqunyiwe yokuxhuma kuqala, ngaphambi kokuba kuxhunywe amanzi.

50. Ukuhlinzekwa Kokuxhunywa Kwamanzi Okukodwa okunikezwa amakhasimende Amaningana Ezakhiweni Ezifanayo

(1) Ngale kokuhlinzekwa kwamanzi ngo kwesigaba seshumi nambili (12), yipayipi elilodwa kuphela lokuxhuma ohlelweni lokuphakelwa kwamanzi elingahlinzekelwa ukuphakelwa amanzi kunoma yiziphi izakhiwo, kungakhathaliseki isibalo sezindawo zokuhlala, izindawo zamabhizinisi noma amakhasimende atholakala kulezo zakhiwo.

(2) Lapho umnikazi, noma umuntu ophethe noma yiziphi izakhiwo lapho kutholakala khona izindlu zokuhlala eziningana, edinga ukuhlinzekwa ngamanzi kulezo zakhiwo, ukuze ahlinzekwe ezindaweni zokuhlala ezahlukahlukene, unjiniyela, ngokubona kwakhe, angahlinzeka futhi afake: -

(a) Kungaba umshini owodwa wokulinganisa maqondana nezakhiwo zizonke noma isiphi isibalo salezi ndawo zokuhlala; noma

(b) Umshini ohlukile wokulinganisa ngendawo yokuhlala ngayinye noma yasiphi isibalo sazo;

(3) Lapho unjiniyela efake khona umshini owodwa wokulinganisa njengoba kuhlongozwe esigatshaneni sesibili (2) (a), umnikazi noma umuntu ophethe noma ophethe izakhiwo, njengoba kungaba njalo:-

(a) Kufanele afake futhi anakekele lapho kuqembuka khona ipayipi ngalinye elisuka epayipini lokuxhuma kuya ezindaweni ezahlukahlukene zokuhlala;

(i) Umshini wokulinganisa ohlukile; futhi

(ii) Ivalvu ehlukanisayo; futhi

(iii) Uzobophezeleka kumasipala ngezindleko zawo wonke amanzi ahlinzekwa kuleyo ndawo ngomshini wokulinganisa lowo owodwa, kungakhathaliseki ukuthi ngamanani ahlukene asetshenziswa ngamakhasimende ahlukahlukene asebenzisa loyomshini wokulinganisa.

(4) Lapho izakhiwo zinikezwa ngamapayipi amaningi okuxhuma, unjiniyela angadinga ukuba umnikazi anciphise isibalo sezindawo zokuxhuma futhi aguqule ukufakwa kwamanzi ngokufanele.

51. Ukunqanyulwa Kokufakwa Kwamanzi Kusuka Kwi-Payipi Lokuxhuma

Unjiniyela anganqamula ukufakwa kwamanzi epayipini lokuxhuma futhi asuse ipayipi lokuxhuma lapho kuqedwa isivumelwano sokuhlinzekwa kwamanzi ngokuhambisana nemithetho kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu.

INGXENYE 2: AMAZINGA

52. Ubuningi, izingaqophelo kanyenomfutho

Izinkonzo zokuhlinzekwa ngamanzi ezihlinzekwa ngumasipala kufanele zihambisane namazinga abekiwe okuhlinzekwa kwamanzi ngokwesigaba sesishiyagolunye (9) soMthetho.

53. Ukuvivinywa Komfutho Kuzinhlelo Zokunikezwa Kwamanzi

Unjiniyela, ngesicelo somnikazi nasekukhokhweni kwenkokhelo enqunyiwe, anganquma futhi anikeze umnikazi inani lomfutho ohlelweni lokuphakelwa kwamanzi maqondana nezakhiwo zakhe ngokwaleso sikhathi esicelwa umnikazi.

54. uKungcola Kwamanzi

Umnikazi kufanele ahlinzekele futhi alondoloze izinyathelo ezivunyiwe zokuvimbela ukungena kwanoma iyiphi into, engaba yingozi empilweni noma iphazamise ukuthwalwa kwamanzi noma ithinte ukufaneleka kwawo ukusetshenziswa, kulokhu okulandelayo:-

(a) Uhlelo lokuphakelwa kwamanzi; futhi
(b) Noma iyiphi ingxenye yokufakwa kwamanzi ezakhiweni zakhe.

55. ukuncishiswa kwamanzi

(1) Umasipala ngenhloso yokongiwa kwamanzi noma lapho, ngokombono wakhe, izimo zesomiso seziseduze, ngesaziso somphakathi: -

- (a) angavimbela noma anciphise ukusetshenziswa kwamanzi endaweni yonke noma engxenyeni yendawo yawo yokuphatha;
  - (i) Ngokuvamile noma ngenhloso ebekiwe; futhi
  - (ii) ngamahora athile aqaguliwe osuku noma ngezinsuku ezingaqaqaguiwanga; futhi.
  - (iii) ngendlela ethile ebekiwe; futhi

- (b) anganquma futhi abeke –
  - (i) imikhawulo enanini lamanzi angasetshenziswa esikhathini esithile;
  - (ii) angabiza ezinye izimali ezengeziwe kulezo ezinqunyiwe maqondana nokuhlinzeka lwamanzi adlule leyo mikhawulo ebekiwe esigatshaneni 1 (b)(i); futhi
  - (iii) angabiza imali efanayo emalini ebizwayo maqondana nokuhlinzekwa kwamanzi;

(c) angabeka imikhawulo noma avimbe ukusetshenziswa noma indlela okusetshenziswa ngayo imishini ethile esebenzisa amanzi noma ekuxhunyweni kwaleyo mishini ekufakweni kwamanzi.

(2) UMasipala anganciphisa ukusebenza kwezinhlinzeko zesaziso okukhulunywe ngaso esigatshaneni (1) ezindaweni ezithile nezigaba ezithile zamakhasimende noma abasebenzisa izakhiwo, nemisebenzi, futhi angavumela ukwehluka nokuvikeleka, nokuxegisa, noma yiziphi izinhlinzeko lapho kunezizathu zokwenza kanjalo.

(3) Umasipala:-

(a) angathatha, noma ngesaziso esibhalwe phansi, acele ikhasimende, ngezindleko zalo, ukuba lithathe izinyathelo, ezifaka ukuxhunywa kwemishini yokulinganisa kanye nemishini yokunciphisa ukuhamba kwamanzi, ngokubona kukamasipala kufanele kwenzeke ukuze kuqiniseke ukulandela kwesaziso esikhishwe ngokwesigatshana sokuqala (1);noma

(b) Kungenzeka, ngokuya ngesaziso, nangesikhathi asibona kufanelekile, anciphise ukunikezwa kwamanzi kunoma yiziphi izakhiwo uma kwenzeka kuphulwa le mithetho kamasipala eyenzeka kuleyo ndawo noma ukwehluleka ukulandela ngokwemibandela yesaziso esikhishwe ngokwesigatshana sokuqala (1); futhi

(c) Lapho ukuhlinzekwa kumisiwe, ikhasimende liyobuyiselwa ukuhlinzekwa kuphela uma inkokhelo enqunyiwe yokumisa nokuxhuma kabusha ukusebenza ikhokhiwe.

56. Izimo Ezithile Zokuhlinzekwa

(1) Ngale kokuzibophezela ngokwesigaba samashumi ayisithupha (60) sale mithetho kamasipala, ukunikezwa kokuphakelwa kwamanzi ngumasipala akwakhi isibopho kumasipala sokunakekela nganoma yisiphi isikhathi noma kunoma iyiphi indawo ohlelweni lokuphakelwa kwamanzi: -

(a) Uphakelo olungaphazanyiswanga, ngokuya ngemibandela yemithethonqubo yesine (4) kanye neyeshumi nane (14)

yoMthethonqubo 22355 owamenyezelwa ngokoMthetho ngomhla ka-8 kuNhlangulana 2003.

(b) Umfutho othile noma isilinganiso sokugeleza kolokuphakelwa okunjalo ngaphandle kwesidingo ngokomthethonqubo 15 (2) woMthethonqubo 22355 owamenyezelwa ngokoMthetho ngomhla ka-8 kuNhlangulana 2003.

(2) Unjiniyela, ngokuya ngokwemibandela yesigatshana (1) (b), angacacisa umfutho omkhulu lapho amanzi ezonikezwa khona ukusuka ohlelweni lokuphakelwa kwamanzi.

(3) Uma umnikazi noma ikhasimende lidinga:-

(a) Ukuthi noma yimaphi amazinga okukhulunywe ngawo esigatshaneni sokuqala (1); noma

(b) Izinga lenkonzo eliphakeme kunelichazwe esigabeni samashumi ayisithupha (60);

Kofane zinakekelwe ezakhiweni zakhe, ezothatha izinyathelo ezidingekayo ukuqinisekisa ukuthi ukufakwa kwamanzi okuhlongozwayo kuyakwazi ukuhlangabezana namazinga anjalo.

(4) Unjiniyela, ngesikhathi esiphuthumayo, angaphazamisa ukulethwa kwamanzi kunoma yiziphi izakhiwo ngaphandle kwesaziso sangaphambilini.

(5) Uma ngokombono kanjiniyela ukusetshenziswa kwamanzi ikhasimende kuthinta kabi ukuhlinzekwa kwamanzi kwelinye ikhasimende, angasebenzisa lokokunciphisa angabona kufanelekile, ekunikezelweni kwamanzi kukhasimende ukuze aqinisekise ukutholakala kwamanzi kwelinye ikhasimende futhi kufanele azise lelo khasimende ngesinciphiso.

(6) Umasipala ngeke abhekane nanoma ikuphi ukonakala kwempahla okudalwe ukugeleza kwamanzi kusuka kunoma yikuphi ukufakwa kwamanzi okushiywa

kuvulekile lapho amanzi efakwa kabusha, ngemuva kokuphazamiseka kokuphakelwa kwawo.

(7) Bonke obhayela, isibhedlela, imboni kanye nanoma yiziphi izakhiwo ezidinga, ngenhloso yomsebenzi owenziwe ezakhiweni, ukuhlinzekwa kwamanzi okuqhubekayo kuzoba nethangi lokugcina, okumele lihambisane nomkhakha wamathangi wokugcina amanzi njengoba kusho ku-SANS 0252 Ingxenye yokuqala (1), enomthamo wamanzi ongekho ngaphansi kwamahora angama-amashumi amabili nane (24) obalwe njengobungako obudingekayo ukuhlinzeka isilinganiso sokusetshenziswa kwansuku zonke, lapho amanzi angagcinwa khona lapho ukunikezwa okuqhubekayo kuphazamiseka.

(8) Alikho ikhasimende eliyophinda lithengise amanzi eliwanikezwa wona ngumasipala ngaphandle kwemvume ebhalwe phansi kamasipala, engabeka intengo ephezulu yamanzi angathengiswa ngayo, futhi engabeka eminye imibandela umasipala angabona ifanele.

57. Ukukala inani lamanzi elihlinzekiwe

(1) Unjiniyela kumele anikeze umshini wokukala okungaba wenzelwe ukuba kulawulwe umthamo wamanzi, noma kungalawuleki umthamo wamanzi, ekhasimendeni

(2) Umasipala kufanele ngezikhathi ezithile, akale umthamo wamanzi ohlinzekwayo ngomshini okalayo owenzelwe ukuhlinzeka umthamo wamanzi ongalawuleki.

(3) Noma yimuphi umshini wokulinganisa kanye nezinto ezihambisana nawo okunikezwa ngawo amanzi ekhasimendeni ngumasipala, zizohlinzekwa futhi zifakwe ngunjiniyela, ziyohlala ziyimpahla kamasipala futhi zingashintshwa futhi zinakekelwe unjiniyela lapho ebona kunesidingo sokwenza kanjalo.

(4) Unjiniyela angafaka umshini wokulinganisa, kanye nezinto ezihambisana nawo, nganoma yisiphi isikhathi epayipini eliphaka amanzi

(5) Uma unjiniyela engafaka umshini wokulinganisa epayipini lokuhlinzeka ngokwesigatshana sesine (4), angafaka ingxenye yepayipi nokuhambisana nawo phakathi kokuphela kwepayipi lokuxhuma nemitha, futhi leyo ngxenye iyoba yingxenye yamanzi afakiwe.

(6) Uma unjiniyela efaka umshini wokulinganisa kanye nempahla ehambisana nawo, epayipini lokuhlinzeka ngokwesigatshana (4), umnikazi kumele:-

(a) ahlinzeke ngendawo egculisa unjiniyela okuzofakwa kuyo ;
(b) aqinisekise ukuthi kuyafinyeleleka kuwo ngaso sonke isikhathi;
(c) kube nesibopho sokuwuvikela futhi kube nesobopho sezindleko ezivela ekulimaleni kwawo, ngaphandle komonakalo odalwa ukuwohloka okuvamile;
(d) aqinisekise ukuthi akukho kuxhunywa okwenziwe epayipini lapho kufakwe khona umshini wokukala, phakathi komshini okukala kanye nepayipi lokuxhuma elisebenzela ukufakelwa;
(e)) abe nezinhlelo zokuchitha amanzi angase aphume epayipini, lapho umshini wokukala ufakiwe khona, ngesikhathi unjiniyela enza umsebenzi wakhe emshinini wokukala.
(f) angasebenzisi noma avumele ukuthi kusetshenziswe kunoma yikuphi ukufakwa kwamanzi, noma yikuphi ukufaka, umshini noma ukufaka umqubuko odala ukulimala noma, ngokubona konjiniyela, okungenzeka ukuthi kulimaze noma iyiphi imitha.

(7) Akekho omunye umuntu ngaphandle kukanjiniyela:_
(a) oyovala umshini wokukala kanye nempahla ehambisana nawo epayipini elixhunywe kuwo;
(b) oyophula isivalo esifakwe ngunjiiyela emitheni; noma
(c) oyophazamisa umshii wokukala nempahla ehambisana nawo noma ingayiphi indlela;

(8) Uma unjiyiyela ebona ukuthi ubukhulu bomshini wokukala awufanelekile ngokwenani lamanzi ahlinzekwa kuleyo ndawo, angafaka umshini wokukala wobukhulu bawo abubona bufanelekile, futhi angabiza izindleko zalokhu kufakwa kwalowomshini kumnikazi waleyo ndawo.

(9) UMasipala ngezindleko zomnikazi wendawo, angacela ukuba kufakwe umshini wokukala wendlu ngayinye uma kunezindlu ezahlukene endaweni eyodwa ukuze akwazi ukukala inani lamanzi elisebenza endlini ngayinye; kepha lapho kusetshenziswa izinhlelo zokulethwa kwamanzi anomthamo olawulwayo, umshini owodwa wokukala okungenani ungasetshenziselwa izindlu ezingaphezulu kweyodwa.

58. Inani lamanzi elihlinzekelwe ikhasimende

(1) Ngenhloso yokuthola ubuningi bamanzi obulinganiswe ngomshini wokulinganisa ofakwe ngunjiniyela futhi onikezwe ikhasimende isikhathini esithile, kuzoba, ngezinhloso zale mithetho kamasipala, okucatshangwayo ngaphandle kwanoma yiziphi izinqubo zecala lobugebengu, ngaphandle uma kufakazelwa okuphambene nalokho:-.

(a) Ubuningi, lapho umshini wokulinganisa wakhelwe ukunikeza umthamo wamanzi ongalawulwa, umehluko phakathi kwezilinganiso ezithathwe ekuqaleni nasekupheleni kwaleso sikhathi.

(b) Ubuningi, lapho ithuluzii lokulinganisa yakhelwe ukunikeza umthamo wamanzi olawulwayo, umthamo okhishwa umshini wokulinganisa.

(c) umshini wokulinganisa wawunembile ngaleso sikhathi; futhi

(d) okubhalwe emabhukwini kaMasipala kuyikho; futhi

(e) uma amanzi ahlinzekwe futhi amukelwa yikhasimende ngaphandle kokuthi adlule emshinini wokukala, ukulinganisa ngumasipala kobungako balawo

manzi kuzothathwa ngokuyikho, ngaphandle uma kunamacala obugebengu aqhubekayo, kuyoba njengento eyiqiniso, ngaphandle uma kunobufakazi obuphikisa lokho.

(2) Lapho amanzi ahlinzekwa ngumasipala kunoma iyiphi indawo ethathwa ikhasimende ngaphandle kokuthi amanzi adlule kunoma iyiphi into yokulinganisa enikezwe umasipala, umasipala, ngenhloso yokwenza i-akhawunti, angalinganisa, ngokuhambisana nesigatshana sesithathu (3), inani lamanzi elinikezwe ikhasimende ngenkathi amanzi ethathwa kanjalo yikhasimende.

(3) Ngokwezinhloso zesigatshana sesibili (2), isilinganiso samanzi ahlinzekwe ekhasimendeni kufanele, njengoba umasipala enganquma, kusekelwe, okungaba:

(a) Ukusetshenziswa kwamanzi okuphakathi kwenyanga emagcekeni, kuqoshiwe ezikhathini ezintathu, ezilinganisiwe, zalandela ngemuva kosuku lapho kutholakale khona ukungahleleki okukhulunywe ngakho ku sigatshana sesibili (2) futhi kwalungiswa, noma

(b) Ukusetshenziswa kwamanzi okuphakathi kwenyanga emagcekeni nganoma iziphi izikhathi ezintathu zokulinganisa ezilandelanayo phakathi kwezinyanga eziyishumi nambili, ngokushesha ngaphambi kosuku okutholwe ngalo isiphambeko okukhulunywa ngaso esigatshaneni sesibili (2);

(4) Akukho lutho kule mithetho kamasipala okuzothathwa njengompoqo esibophweni sikamasipala yokubangela noma iyiphi into yokulinganisa efakwe ngunjiniyela kunoma iyiphi indawo ezolinganiswa njalo ekupheleni kwenyanga noma nganoma yisiphi isikhathi esinqunyiwe, futhi umasipala angakhokhisa ikhasimende ukusetshenziswa okuphakathi ngesikhathi sesikhawu phakathi kwezilinganiso ezilandelanayo ngomshini wokulinganisa.

(5) Kuze kube yisikhathi lapho umshini wokulinganisa ufakiwe maqondana namanzi anikezwe ikhasimende, ukusetshenziswa okulinganisiwe noma

okuhlanganisile kwalowo mthengi ngesikhathi esithile, kufanele kuthathelwe esilinganisweni esiphakathi sohlinzeko lwamanzi olunikezwe ezakhiweni ezithile lapho izakhiwo zekhasimende zitholaka khona.

(6) Lapho, ngokubona kukanjiniyela, kungenzeki noma kungabizi izindleko ukukala amanzi ahlinzekwa kukhasimende ngalinye ezakhiweni ezinqunyiwe zokuphakelwa, umasipala anganquma intela noma inkokhiso ngokususelwa esilinganisweni sokusetshenziswa kwamanzi noma esabiwe kuleyondawo yokunikezela.

(7) Umasipala kumele kungakapheli izinsuku eziyisikhombisa, ngemuva kokuthola isaziso esibhaliwe esivela ekhasimendeni futhi kuye ngokukhokhwa kwemali enqunyiwe, alinganise inani lamanzi anikezwe ikhasimende ngesikhathi, noma ngosuku, ngaphandle kwalokho, ngokujwayelekile ayokalwa.

(8) Uma kwenzeka kwephulwa isigatshana sesikhombisa (7), ikhasimende kumele likhokhele umasipala izindleko zanoma imaphi amanzi, ngokubona kwamasipala, azihlinzekwe ekhasimendeni.

59. Isilinganiso esikhethekile

(1) Uma unjiniyela edinga, ngezinye izinhloso ngaphandle kokukhokhisa amanzi asetshenzisiwe, efuna ukuthola ubuningi bamanzi asetshenziswa engxenyeni yokufakwa kwamanzi, ngesaziso esibhaliwe, angaluleka umnikazi othintekayo ngenhloso yakhe yokufaka umshini wokukala noma yimaphi ekufakweni kwamanzi angakusho.

(2) Ukufakwa komshini wokulinganisa okukhulunywe ngawo esigatshaneni sokuqala (1), ukususwa kwawo, kanye nokubuyiselwa kokufakwa kwamanzi ngemuva kokususwa okunjalo, kuzokwenziwa ngemali kamasipala.

(3) Izinhlinzeko zezigaba 57 (6) no 57 (7) zizosebenza, ngendlela ezizosebenza ngayo, maqondana nomshini wokulinganisa ofakiwe ngokwesigatshana sokuqala (1).

60. Azehliswa izimali zokukhokhelwa amanzi achithekile

Ikhasimende alinakwehliselwa izimali okufanele ikhokhele amanzi amosiwe noma alahlekile ngenkathi efakwa.

61. Ukucwaningwa kwamanzi

(1) Umasipala angafuna ukuthi ikhasimende, kungakapheli inyanga eyodwa, emva kokuphela konyaka wezimali kamasipala, enze ucwaningo lwamanzi ngezindleko zakhe.

(2) Ukucwaningwa kwamabhuku kufanele okungenani kubandakanye futhi kubike:-

(a) Inani lamanzi elisetshenziswe kulowonyaka wezimali;
(b) Izimali ezikhokhiwezamanzi kulowonyaka wezimali;
(c) isibalo sabantu abahlala esitendini noma ezakhiweni;
(d) isabalo sabantu abasebenza ngokugcwele esitendini noma ezakhiweni;
(e) Ukwehluka kwezimfuno ezikhathini zonyaka ngokusebenzisa izibalo zokusetshenziswa zanyanga zonke;
(f) izindlela zokuqapha ukungcola kwamanzi;
(g) Izinhlelo zamanje zokuphathwa kwesidingo samanzi;
(h) Izinhlelo zokulawula isidingo samanzi;
(i) Ukuqhathaniswa kombiko nanoma yimuphi umbiko okungenzeka wenziwe eminyakeni emithathu eyedlule;
(j) Ukulinganiselwa kokusetshenziswa ngezinngxenye ezahlukahlukene zokusetshenziswa;
(k) Ukuqhathanisa lezi zinto ezingenhla nalezo ezibikwe eminyakeni emithathu edlule, uma kutholakala.

62. Ukugunyazwa Komsebenzi Wokufaka

(1) Uma umnikazi wendawo efisa ukuthi kwenziwe umsebenzi wokufaka amanzi, kufanele kuqala athole imvume ebhaliwe kumasipala; kukhunjulwe njalo ukuthi imvume ayidingeki uma kuzofakwa amanzi ezindaweni zokuhlala ezingama yunithi noma ekufakwa lapho kungadingeki khona ukufakwa kwesicishamlilo ngokwe SANS 0400; noma ngokwemigomo yanoma imiphi imithetho kamasipala, noma ukulungisa noma ukushintsha ipayipi elikhona noma ufakela umgudu wamanzi ngaphandle kwesifudumezi samanzi esizinzile kanye nezinto ezihambisana naso zokuvikela.

(2) Isicelo segunya okukhulunywe ngaso esigatshaneni (1) kufanele senziwe ngokugcwalisa ifomu elifanele, futhi sihambisane: -

(a) nenkokhelo enqunyiwe, uma ikhona; kanye

(b) Amakhophi emidwebo njengoba kunganqunywa ngumasipala, enikeza imininingwane ngendlela edingeka kusigatshana 4.1.1 se-SANS Code 0252: Ingxenye I;

(c) isitifiketi esiqinisekisa ukuthi ukufakwa kwenziwe ngokuya kwe-SANS Code 0252: Ingxenye I, esenziwe ngunjiniyela osezingeni elifanele.

(3) Igunya elinikezwe ngokwesigatshana sokuqala (1) lizophelelwa yisikhathi lapho kuphela isikhathi esiyizinyanga ezingamashumi amabili nane (24).

(4) Lapho kwakudingeka khona imvume ngokwesigatshana sokuqala (1), iqoqo eliphelele lemidwebo evunyelwe yomsebenzi wokufaka kufanele litholakale endaweni yomsebenzi ngaso sonke isikhathi kuze kube umsebenzi usuphothuliwe.

(5) Uma umsebenzi wokufaka wenziwe ngokweqa isigatshana sokuqala (1) noma sesibili (2), umasipala angafuna umnikazi: -

(a) Alungise ukwephulwa esikhathini esibekiwe;

(b) Uma umsebenzi uqhubeka, kuyekwe ukusebenza; futhi

(c) Ukususa wonke umsebenzi onjalo ongahambisani nale mithetho kamasipala.

63. Abavunyelwe Ukufaka Nokwenza Eminye Imisebenzi

(1) Uplamba kuphela, umuntu osebenza ngaphansi kolawulo lukaplamba, noma omunye umuntu ogunyazwe ngokubhaliwe ngumasipala, ozovunyelwa: -

(a) ukwenza umsebenzi wokufaka, ngaphandle kokushintsha noma ukulungisa ipayipi elikhona noma ukufaka amanzi;

(b) akhiphe ihitha yamanzi ezinzile noma okunye okunjalo kokuvikela;

(c) ahlole, abulale amagciwane futhi avivinye ukufakwa kwamanzi, amanzi okucisha umlilo noma ithange lokugcina amanzi;

(d) agcine esimweni, alungise noma ashintshe okuvimbela ukubuyela emuva kwamanzi; noma

(e) afake, anakekele noma ashintshe imitha elifakwe ngumnikazi ekufakweni kwamanzi

(2) Akekho umuntu oyodinga noma asebenzise umuntu ongeyena umplamba ukuba enze umsebenzi oshiwo esigatshaneni sokuqala (1).

(3) Phezu kwemibandela yesigatshana (1), UMasipala angamvumela umuntu ongesiye uplamba ukuba azenzele umsebenzi endaweni engeyakhe nomndeni wakhe, inqobo nje lowomsebenzi uhlolwe uphasiswe uplamba ngeziyalelo zikanjiniyela.

64. Izinhlinzeko Nokunakekelwa Kokufakwa Kwamanzi

(1) Umnikazi kufanele afake futhi anakekele ukuxhunywa kwamanzi akhe ngezindleko zakhe ngaphandle lapho kuvunyelwe khona ngaphansi kwesigaba 74 somithetho kaMasipala, kufanele aqinisekise ukuthi indawo okuxhunywa kuyo ingaphakathi komngcele wendawo yakhe.

(2) Umnikazi kufanele afake ivalvu ehlukanisayo endaweni efanelekile epayipini lensiza ngokushesha ngaphakathi komngcele wesakhiwo esimweni semitha efakwe ngaphandle komngcele wakhe, futhi esimweni semitha efakwe ezakhiweni endaweni efanelekile epayipini lakhe lezinsiza.

(3) Ngaphambi kokwenza umsebenzi maqondana nokunakekela ingxenye yokuxhunywa kwamanzi akhe, asendaweni engaphandle komngcele wendawo yakhe, umnikazi kufanele athole imvume kaMasipala ebhaliwe noma yomnikazi walowo mhlaba ingxenye ekuwo, njengoba kungaba njalo.

65. Izidingo Zobuchwepheshe Zokufakwa Kwamanzi

Phezu kwesidingo sokuthi kukhishwe isitifiketi ngokwesigaba samashumi ayiskhombisa nane (74), konke ukufakwa kwamanzi kuzothobela iSANS 0252 Ingxenye yokuqala 1 futhi zonke izifudumezi ezizinzile zikagesi ezigcina amanzi kufanele zithobele iSANS 0254.

66. Ukusetshenziswa kwamapayipi nokufakwa kwamanzi kufanele kugunyazwe

(1) Akekho umuntu, ngaphandle kokugunyazwa kwangaphambili okubhaliwe kukanjiniyela, oyofaka noma asebenzise ipayipi noma ukufakwa kwamanzi endaweni kamasipala yokuphatha ngaphandle kokuthi kufakiwe kuSheduli sama Payipi Avunyiwe kanye Nokufakwa (Schedule of Approved Pipes and Fittings) njengoba sihlanganiswe umasipala.

(2) Isicelo sokwengeza ipayipi noma ukufakwa kwamanzi ku Sheduli okukhulunywe ngalo esigatshaneni sokuqala (1) kufanele senziwe efomini elimiswe ngumasipala.

(3) Ipayipi noma ukufakwa kwamanzi kungenzeka lingafakwa kuSheduli okukhulunywe ngayo esigatshaneni sokuqala(1) ngaphandle uma: -

(a) kunophawu lokuqinisekisa ukufaneleka lweSouth African Bureau of Standards mayelana nokucacisa okufanelekile kweSANS, eziyobe zikhishwe yiBureau;

(b) kunophawu lwesitifiketi olukhishwe yi-SANS ukuqinisekisa ukuthi ipayipi noma ukufakwa kwamanzi kuhambisana nemininingwane ye-SANS Mark

noma imininingwane yesikhashana ekhishwe yi-SANS, inqobo nje uma kungekho izimpawu zesitifiketi ezizokhishwa isikhathi eseqile eminyakeni emibili; noma

(c) amukelekile kumasipala.

(4) Umasipala, maqondana nanoma yiliphi ipayipi noma ukufakwa kwamanzi okufakwe ngokwe Sheduli, angaphoqelela imibandela enjalo, njengoba engabona kufanele mayelana nokusetshenziswa noma indlela yokufaka.

(5) Ipayipi noma okokufaka amanzi kuzosuswa kwiSheduli uma: -

(a) kungasayilandeli indlela leyo eyenza ukuthi yengezwe; noma

(b) ayisayifanele inhloso yokusetshenziswa kwayo ngenkathi yamukelwa.

(6) ISheduli yamanje iyotholakala kwabafuna ukuyibona emahhovisi akamasipala nganoma yisiphi isikhathi ngezikhathi zokusebenza.

(7) uMasipala angadayisa amakhophi eSheduli yamanje ngenani elinqunyiwe.

67. Ukufaka uPhawu Ezikhumuleni Zokufakwa Kwamanzi Kanye Nezinto Ezisetshenziswayo

(1) Zonke izikhumulo zokufakwa kwamanzi kanye nezinto ezisetshenziswayo ezisebenzisa noma ezikhipha amanzi zizofakwa uphawu, noma kufakwe ngesikhathi zipakishwa, lemininingwane elandelayo: -

(a) Ububanzi bomfutho nge-kPa, lapho ukufakwa kwamanzi noma okokusebenza kwenzelwe ukusebenza khona;

(b) Izinga lokugeleza, ngamalitha ngomzuzu, lihlobene nobubanzi bomfutho owenziwe, inqobo nje uma le mininingwane izonikezwa okungenani imifutho elandelayo: 20 kPa, 100kPa kanye ne 400 kPa.

68. Ukuqondiswa Kwesidingo Samanzi

(1) Kunoma ikuphi ukufakwa kwamanzi lapho umfutho wamandla onamandla ungaphezu kwama-200 kPa kuvalvu yokulawula ishawa, nalapho kungenela khona izinto zeplamba yakhelwe ukulinganisa ukuhlinzekwa komfutho wamanzi ashisayo nabandayo kuvalvu yokulawula ishawa, ikhanda leshawa elineziinga lokugeleza eliphezulu okungaphezu kwamalitha ayishumi (10) ngomzuzu akufanele ifakwe.

(2) Izinga lokugeleza eliphezulu kunanoma yimuphi umpompi ofakwe esitsheni sokugeza izandla akumele leqe amalitha ayisithupha (6) ngomzuzu.

69. Ukuhlinzekwa Kwamanzi Kumakhasimende Amaningana

(1) Unjiniyela angafaka ipayipi lomphakathi esitendeni lokuhlinzeka ngemisebenzi yokuhlinzekwa kwamanzi kumakhasimende amaningana endaweni lapho ebona khona kufanelekile, inqobo nje uma iningi lawo, ngokubona kuka njiniyela, lenza iningi elikhulu, futhi labo okwenziwa uhlinzeko lwamanzi ngepayipi elisesitendeni lapho bekhona, yena noma umasipala ubonisene nabo.

(2) Unjiniyela angahlinzeka ngemisebenzi yokuphakelwa kwamanzi ngokuhlanganyela ngokufaka eyomphakathi eyenzelwe ukuhlinzeka umthamo wamanzi olawulwayo kumakhasimende amaningana.

70. Amanzi Ahlinzekwa Ngompompi Omkhulu KaMasipala Wokucisha Umlilo (Hydrant)

(1) Akekho umuntu ongakhipha amanzi kumpompi omkhulu kamasipala wokucisha umlilo ngaphandle kwemvume ebhalwe phansi kamasipala.

(2) Unjiniyela angagunyaza ukunikezwa kwesikhashana kwamanzi okuzothathwa esikhungweni sokucisha umlilo esisodwa noma ngaphezulu esichazwe nguye, ngokuya kwemibandela enjalo nanganoma yisiphi isikhathi esingahle

sinqunywe nguye nokukhokhwa kwaleyo mali esebenzayo, kubandakanya idiphozi, enqunywa ngumasipala ngezikhathi ezithile.

(3) Umuntu ofisa ukuthola ukunikezwa kwamanzi okwesikhashana okukhulunywe ngakho esigatshaneni sokuqala (1) kumele afake isicelo sosizo olunjalo lwamanzi ngokwesigaba sesibili (2) sale mithetho kamasipala futhi kufanele akhokhe idiphozi enqunywe ngumasipala ngezikhathi ezithile.

(4) Unjiniyela uzohlinzeka ngemitha yamanzi ephathwayo nakho konke okunye okokufakwa kanye nezinto zokusebenza ezidingekayo ekunikezweni kwamanzi okwesikhashana kusuka kumpompi omkhulu kamasipala wokucisha umlilo.

(5) Imitha ephathwayo nakho konke okunye okufakwayo kanye nezinto ezisetshenziswayo ukuphakelwa kwamanzi okwesikhashana okuvela kumpompi omkhulu kamasipala wokucisha umlilo kuhlala kuyimpahla kamasipala futhi kufanele kubuyiselwe kumasipala lapho kupheliswa ukunikezwa kwesikhashana. Ukwehluleka ukubuyisa imitha ephathwayo nakho konke okunye okufakwayo kanye nezinto ezisetshenziswayo kungaholelela ekufakweni kwezijeziso ezinqunywa ngumasipala ngezikhathi ezithile.

71. Ukwazisa ngamapitsi

(1) Akekho umuntu ongabhola umgodi wepitsi ezakhiweni ezisendaweni ye-dolomayithi (dolomite), futhi ngaphambi kokubhola umgodi wepitsii umuntu kufanele athole ukuthi ngabe indawo lapho ipitsi lizobholwa khona liseduzane nendawo yedolomayithi.

(2) Umasipala, ngesaziso somphakathi, angafuna-

(a) Umnikazi wanoma iziphi izakhiwo ngaphakathi kwanoma iyiphi indawo kamasipala lapho kukhona khona ipitsi noma, uma umnikazi engahlali kulezo zakhiwo, umhlali azise umasipala ngobukhona bepitsi kulezozakhiwo, futhi anikeze leyo mininingwane emayelana nepitsi engadingeka; futhi

(b) Umnikazi noma umhlali wanoma iyiphi indawo ohlose ukubhola umgodi wepitsi ezakhiweni, kufanele azise umasipala ngefomu elinqunyiwe ngenhloso yakhe yokwenza kanjalo ngaphambi kokuba kuqalwe noma yimuphi umsebenzi ophathelene nokubhola umgodi.

(3) Umasipala angadinga ukuthi umnikazi noma umhlali wanoma iyiphi indawo ohlose ukubhola umgodi wepitsi, ukuthi enze ukuhlolwa komthelela emvelweni ngepitsi elihlosiwe, ngokwaneliseka kukamasipala, ngaphambi kokubhola umgodi.

(4) Umasipala ngesaziso kumnikazi noma umhlali noma ngesaziso somphakathi, angadinga umnikazi noma umhlali onepitsi ekhona esetshenziselwa ukuhlinzeka ngamanzi ukuba:-

(a) Athole imvume kumasipala ngokusebenzisa ipitsi lokuphakela amanzi aphathwayo ngokuhambisana nezigaba 6, 7 no 22 zoMthetho; futhi

(b) Ashaye imibandela maqondana nokusetshenziswa kwepitsi lamanzi aphathwayo.

72. Ukuxhunywa Kwezinsiza Zokucisha Umlilo Kuzovunywa Ngumasipala

(1) Unjiniyela uzoba nelungelo ngokubona kwakhe ngokuphelele lokuvuma noma lokwenqaba isicelo sokufakwa kwesicimamlilo endaweni kamasipala yokuxhuma.

(2) Awekho amanzi azonikezwa kunoma yikuphi ukufakwa kwesicishamlilo kuze kube isitifiketi sokuthi ngokwesigaba sika-70 sesitholakele kumasipala nokuthi lokho kufakwa kuhambisana nezidingo zaloku nanoma yimiphi eminye imithetho kamasipala.

(3) Uma ngokombono kanjiniyela ukufakwa kwecishamlilo, asesivumele ngokuthi sixhunywe endaweni enkulu yokuxhuma kamasipala, asigcinwa ngendlela efanelekile yokusebenza, noma asinakekelwa kahle, noma sisetshenziselwa enye inhloso ngaphandle kokulwa nomlilo, unjiniyela uzoba nelungelo lokuthi

ukufakwa endaweni enkulu yokuxhuma kamasipala kunqanyulwe noma yena mathupha enze umsebenzi wokunqamula ngezindleko zomthengi.

73. zinhlinzeko Ezikhethekile

Izinhlinzeko zeSANS 0252-1 zizosebenza ekunikezelweni kwamanzi ngezinhloso zokulwa nomlilo.

74. Ukufakwa Okumbaxambili Nokuhlanganisiwe

(1) Zonke izakhiwo ezintsha ezakhiwe ngemuva kokuqala kwale mithetho kamasipala, kufanele zilandele lezi zidingo ezilandelayo maqondana nokunikezwa kohlinzeko lokucisha umlilo:-

(a) Uma kudingeka ukukhuliswa kohlelo, kufanele kusetshenziswe uhlelo lwamapayipi ambaxambili, elinye ngezinhloso zokucisha umlilo futhi elinye ngezinhloso ezijwayelekile zasekhaya;

(b) Ukufaka okuhlanganisiwe kuzovunyelwa kuphela lapho ingekho iphampu yokwengeza umfutho wamanzi enikezelwe ukuxhuma amanzi. Ezimweni ezinjalo umasipala kufanele ahlinzekele umpompi omkhulu wokucisha umlilo, ngezindleko zekhasimende, ebangeni elingamamitha angama-90 ukusuka lapho ukuze unikeze umthombo wamanzi ezosetshenziswa ukucisha umlilo ngabacishi bomlilo.

(c) Ukufaka okuhlanganisiwe lapho kunikezwa khona ukuxhumana kwephampu yokwengeza umfutho wamanzi kuzovunyelwa kuphela lapho yakhiwe futhi yaqinisekiswa ngunjiniyela onguchwepheshe.

(d) Onke amapayipi nokufakwa nawo kufanele kube nakho ukumela umfutho ongaphezu kwe-1 800 kPa, uma lowo mfutho ulindelekile lapho ukwengeza komfutho kwenzeka futhi kufanele akwazi ukumelana nezimo lapho ehlangabezana nezimo zomlilo.

75. Amapayipi okuxhuma izinhlinzeko Zokucisha Umlilo

(1) Ngemuva kokuqala kwale mithetho kamasipala, ipayipi lokuxhuma elilodwa lomlilo kanye nohlinzeko lokuphakelwa kwamanzi aphathwayo (ngaphandle kwezinhlelo zokufafaza) lizohlinzekwa ngunjiniyela.

(2) Unjiniyela uzohlinzeka futhi afake, ngezindleko zomnikazi imitha elihlangene epayipini lokuxhuma okukhulunywe ngalo ku (1).

(3) Kuzobekwa ipayipi lokuxhuma elihlukile futhi lisetshenziselwe zonke izinhlelo zokucisha umlilo ngezifafazo ngaphandle uma unjiniyela evuma okuphambene nalokho.

(4) Ipayipi lokuxhuma kufanele lifakwe umshini wokukala ongeke uphazamise ukugeleza kwamanzi ngenkathi umshini usebenza.

76. Amavalvu Namamitha Kumapayipi Okuxhuma

(1) Wonke amapayipi okuxhuma asesicishamlilweni kufanele afakwe amavalvu kanye nomshini wokukala:-

(a) Anikezwe ngunjiniyela ngezindleko zekhasimende;

(b) Afakwe maphakathi nendawo yokuhlala yomthengi kanye nepayipi elikhulu; futhi

(c) Afakwe ezindaweni zawo ngendlela eyobe inqunywe ngunjiniyela.

77. Amamitha Emapayipini Wokuxhuma Isicimamlilo

Unjiniyela uzoba nelungelo lokufaka imitha yamanzi kunoma yiliphi ipayipi lokuxhuma elisetshenziselwa kuphela ukucisha umlilo futhi umnikazi wendawo uzobophezeleka kuzo zonke izindleko zokwenza kanjalo uma kubonakala kumasipala ukuthi amanzi abesetshenziselwa izinhloso ezingahambisani nenhloso yokucisha umlilo.

78. Ukufakwa Kwesicishamlilo Esifafazayo

Ukufakwa kwesifafazo kungeziwa ngqo epayipini elikhulu lokuxhuma likamasipala, kodwa akumele kuthathwe njengokuqinisekisa kuka umasipala kwanoma yimuphi umfutho ocacisiwe nganoma yisiphi isikhathi.

79. Ithangi Eliyinhloko Yamanye Noma Ukuhlinzekwa Okumbaxambili Okusuka Epayipini Elikhulu

(1) ikhasimende kufanele lifake ithangi eliyinhloko yamanye endaweni ephakeme njengoba lizomelana nanoma yikuphi ukwehluleka noma ukwehla komfutho epayipini elikhulu likamasipala elifakelwe ukukufafaza, ngaphandle kokuthi lokhu kufakwa kunikezwe ukuphakela okuphindiwe okufanayo okusuka epayipini elikhulu elihlukile.

(2) Ipayipi elikhulu elisuka kuthangi eliyinhloko yamanye liye ekufakweni kwesifafazo lingaba nokuxhumana okuqondile nepayipi elikhulu, inqobo nje, uma ipayipi elikhulu kufanele lifakwe ivalvu esebenza ngokuzenzakalelayo (reflux valve), okuzothi uma ngasizathu thize ipayipini elikhulu liyehluleka noma liyehla, livale ukufakela okusuka epayipini elikhulu.

(3) Lapho ukufakwa kokufafaza kunikezwa khona nokuphakela okuphindiwe okufanayo kusuka epayipini elikhulu elihlukile, ipayipi ngalinye lokuphakela kufanele lifakwe ivalvu esebenza ngokuzenzakalela etholakala ngaphakathi ezakhiweni.

80. Ukuvalwa Kompompi Bamanzi Bokucisha Umlilo Abazimele

(1) Ngaphandle kwalapho uhlelo lungoluhlanganisiwe nolunemitha ehlanganisiwe, wonke amapayipi amanzi azimele kanye neshubhu lamanzi eligoqwayo (hose-reels) kufanele avalwe ngumasipala futhi izivalo akufanele, ngaphandle kwezinhloso zokuvula ipayipi noma ukusebenzisa ishubhu lamanzi eligoqwayo lapho kunomlilo, zivulwe yinoma ngubani ngaphandle kukamasipala ngenkathi kugcinwa esimweni futhi kuhlolwa.

(2) ikhasimende kufanele linikeze umasipala isaziso okungenani samahora angama-48 ngaphambi kokuba isicishamlilo esifakiwe sigcinwe esimweni nokuhlolwa.

(3) Izindleko zokuvala futhi umpompi omkhulu wokucisha umlilo namashubhu lamanzi eligoqwayo kuyoba izindleko zekhasimende ngaphandle uma ukuvulwa kwenziwe abantu baka masipala ngezizathu zokukuhlola.

(4) Noma yimaphi amanzi asetshenziswe ngenkathi kufakwa uhlelo lwezicimamlilo noma lokufafaza ziyokhokhelwa ikhasimende ngezindleko eziyobe zinqunywe ngumasipala.

ISAHLUKO 7: IMIBANDELA YOHLINZEKO LOKUTHUTHWA KWENDLE

81. Isibopho sokuxhuma Kuhlelo Lokuthuthwa Kwendle

(1) Zonke izakhiwo lapho kukhiqizwa khona indle, kumele zixhunywe ohlelweni lokuthuthwa kwendle lukamasipala uma ukuxhuma kwendle kutholakala noma uma kungenzeka noma kungabizi kakhulu ukuthi umasipala afake ipayipi lokuxhuma, ngaphandle uma kutholakala imvume yokusebenzisa ukuthuthwa kwendle yakuleyondawo ngokulandela imigomo ebekwe kusigaba sika-132.

(2) Umasipala, ngesaziso, angafuna ukuthi umnikazi wendawo ongaxhumene nohlelo lukamasipala lokuthuthwa kwendle axhume kuhlelo lokuthuthwa kwendle.

(3) Umnikazi wezakhiwo, okudingeka ukuthi axhume lezo zakhiwo nohlelo lokuthuthwa kwendle lukamasipala ngokuhambisana nesigatshana sokuqala (1), kumele azise umasipala ngokubhaliwe phansi nganoma yiziphi izinhlinzeko

zokuthuthwa kwendle, ezihlinzekwa ngumasipala kuleyo ndawo, ezingeke sizadingeka ngenxa yokuxhunywa kohlelo lokuthuthwa kwendle.

(4) Umnikazi uzobophezeleka ukukhokha izindleko zemali ezimaqondana nezinhlinzeko zokuthuthwa kwendle kulowomhlaba, kuze kube yilapho isivumelwano sokuhlinzeka sesinqanyuliwe ngokwemigomo ngokoMithetho kaMasipala Wokulawula Nokuqoqa Izikweletu.

(5) Uma umnikazi ehluleka ukuxhuma izakhiwo nohlelo lokuthuthwa kwendle ngemuva kokuba esenesaziso ngokwesigatshana sesibili (2), umasipala, ngaphezu kwanoma yisiphi isinyathelo angasithatha ngokwalemithetho kamasipala, angaphoqa inhlawulo eyobe inqunyiwe nguye.

82. Ukunikezwa Kokokuxhuma Kwendle

(1) Uma isivumelwano sohlinzeko lokuthuthwa kwendle maqondana nezakhiwo siphothuliwe ngokuhambisana noMthetho kaMasipala Wokulawula Nokuqoqa Izikweletu futhi lingekho ipayipi lokokuxhuma lendle etholakala kuloyondawo, umnikazi uyokwenza isicelo ngefomu ebekiwe, futhi akhokhe izintela kanye nezindleko ezinqunywe ngumasipala ngokufaka isixhumo sendle.

(2) Uma isicelo senzelwa uhlinzeko lokuthuthwa kwendle okwenza ukuthi noma ibekeke ngendlela yokuthi kube nesidingo ukuthi kunwetshwe, kuguqulwe, noma ukwenza ngcono uhlelo lokuthuthwa kwendle ukuze kuhlinzekelwe izinkonzo zokuthuthwa kwendle kunoma iyiphi indawo, umasipala angavuma ukunweba kuphela uma umnikazi ekhokha noma ethembise ukukhokhela izindleko, zokunweba, ukuguqulwa noma ukwenziwa ngcono kohlinzeko njengoba kunqunywe unjiniyela.

(3) Ngunjiniyela kuphela ongafaka noma avume ukuxhuma ipayipi lendle; kodwa umnikazi noma ikhasimende lingaxhuma kwipayipi eselikhona.

(4) Akekho umuntu ongaqalisa ukwakha kunoma iyiphi indawo ngaphandle uma unjiniyela esefake ukuxhunywa kwendle.

83. Indawo Yokuxhuma Indle

(1) Ipayipi lokuxhuma indle elinikezwefuthi lafakwa ngunjiniyela kufanele: -

(a) litholakale endaweni enqunywe ngunjiniyela futhi libe ngusayizi ofanele obekwe unjiniyela; futhi

(b) liphelele:-

(i) emingceleni yendawo; noma

(ii) Endaweni yokuxhuma uma lisemagcekeni.

(2) Unjiniyela ngokwesicelo somnikazi wezakhiwo, angavuma, kuncike kunoma yimiphi imibandela angayifaka, ukuxhuma kwenye indawo ngale kwale etholakala kalula ekuhlinzekweni kokuthutha indle kulezozakhiwo; umnikazi uyoba nesibopho sanoma yikuphi ukunwetshwa kokufakwa kwemisele yokuchitha amanzi ukuya endaweni exhumanywayo ehlelwe ngumasipala kanye nokuthola, ngezindleko zakhe, ilungelo lokusetshenziswa indawo yezinye izakhiwo ezingathinteka.

(3) Lapho umnikazi kudingeka ukuthi ahlinzeke ukuhanjiswa kwendle okusenaweni ephakeme ngokwemigomo ye-Building Regulations, noma izakhiwo ezisendaweni lapho ukufakwa kwepayipi kungenakudonsela esitamkokweni ngamandla adonsela phansi, izinga nesikhathi sokukhiphela epayipini kufanele kube ngaphansi kwemvume kamasipala.

(4) Umnikazi wendawo kufanele akhokhe izindleko zokuxhuma kanye nentela enqunywe ngumasipala ngaphambi kokuba ukuxhunywe.

84. Ukuhlinzekwa Kwepayipi Elilodwa Lokuxhuma Lamakhasimende Amaningi Endaweni Eyodwa

(1) Ngale kokushiwo kusigaba 90, ukuxhuma okukodwa kuphela okuxhumanisa nohlelo lokuthuthwa kwendle okungahlinzekelwa ukulahlwa kwendle evela kunoma iyiphi indawo, kungakhathalekile isibalo sezindawo zokuhlala zamakhasimende ezikuleyo ndawo.

(2) Ngale kwesigatshana sokuqala (1), umasipala angagunyaza ukuthi kuhlinzekwe amapayipi angaphezu kwelilodwa ohlelweni lokuthuthwa kwendle ukuze kulahlwe indle evela kunoma yiziphi ezinye izakhiwo ezibandakanya indawo enemizi eminingi enamatayitela ahlukene (sectional title units), noma uma, ngokombono kamasipala, kungaba nobunzima obungafanele noma unoma yiliphi ikhasimende kulezo zakhiwo ngohlinzeko olulodwa lokuxhuma indle.

(3) Lapho ukuhlinzekwa kwesixhumo sepayipi lendle elingaphezu kwelilodwa kugunyazwa ngumasipala ngaphansi kwesigatshana sesibili (2), intela kanye nezindleko zokuhlinzekwa kuyokhokhwa maqondana nokuxhunywa kwepayipi lendle ngalinye okuhlinzekiwe.

85. Ukuxhuma Phakathi Kwezakhiwo

Umnikazi wendawo kufanele aqinisekise, ngaphandle uma ethole imvume kamasipala ngaphambilini futhi ehambisana nanoma yimiphi imibandela okungenzeka ukuthi iphoqwe, ukuthi akukho ukuxhumana okukhona phakathi kwamapayipi okuchitha amanzi egcekeni lakhe kanye nenye indawo.

86. Ukunqanyulwa Kokuxhuma Indle

Unjiniyela anganqamula ukufakwa kwepayipi lokuchitha amanzi epayipini lokuxhuma futhi asuse ipayipi lokuxhuma lapho kunqanyulwa khona isivumelwano sezinhlinzeko zokuphakelwa amanzi ngokuya kwemithetho kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu.

87. Amazinga Ohlinzeko Lwezenhlanzeko

uhlinzeko lwezokuthuthwa kwendle okuhlinzekwa ngumasipala kumele kuhambisane namazinga abekelwe uhlinzeko lwezokuthuthwa kwendle ngokwesigaba sesi-9 soMthetho.

88. Ukukalwa Kobuningi Bamanzi Angcolisiwe Asekhaya Akhishwayo

(1) Kusukela ngomhlaka 1 Julayi (uNtulikazi) 2003, ubuningi bamanzi angcolisiwe asekhaya azonqunywa njengephesenti lamanzi ahlinzekwa ngumasipala; kepha uma lapho umasipala enombono wokuthi lelo phesenti maqondana nezakhiwo ezithile liyeqa esilinganisweni, ngokubheka izinhloso zamanzi asetshenziswayo kulezo zakhiwo, umasipala anganciphisa iphesenti elisebenza kulezo zakhiwo libe yisibalo, ngokombono wakhe futhi ngokolwazi olutholakalayo, kukhombisa ukulingana phakathi kobuningi bamanzi endle akhishwe endaweni kanye nobuningi bamanzi ahlinzekiwe.

(2) Lapho izakhiwo zihlinzekwa ngamanzi avela komunye umthombo ngaphandle, noma ngaphezu kwalokho, ohlelweni lokuphakelwa kwamanzi lukamasipala, kufaka phakathi kokukhishwa kwamanzi emfuleni noma epitsini, ubuningi bamanzi kufanele buhlanganise bube ngamaphesenti esewonke asetshenzisiwe kulezo zakhiwo alinganiselwa umasipala.

89. Ukukalwa Kobuningi Nokunqunywa Kwekhwalithi Yokukhishwa Kokungcola Kwezimboni

(1) Ubuningi bamanzi angcolile avela ezimbonini akhishelwe ohlelweni lokuthuthwa kwendle kufanele kutholakale-

(a) Lapho kufakwe khona sikalo, ngobuningi bamanzi angcolile avela ezimbonini akhishwa ezakhiweni njengoba kukalwa ngaleo sikalo;

(b) kuze kube yisikhathi lapho kufakwa khona isikalo, ngamaphesenti wamanzi ahlinzekwa ngumasipala kulezo zakhiwo;

(2) Umasipala angadinga ukuthi umnikazi wanoma iyiphi indawo afake kunoma yikuphi ukuchithwa kwamanzi okufakiwe okuhambisa amanzi angcolile ezimboni kumgudu wokuhambisa indle, noma iyiphi imitha yokulawula noma isikalo noma okunye yohlobo oluvunyiwe futhi kusolawulweni lukamasipala ngenhloso yokuqinisekisa ngokwaneliseka kukamasipala, isigqi, umthamo nokwakheka kokungcola.

(3) Umasipala angafaka futhi anakekele noma iyiphi imitha, isikalo noma okonye okukhulunywe ngakho esigatshaneni sesibili (2) ngezindleko zomnikazi wezakhiwo lapho ifakwe khona.

(4) Lapho izakhiwo zinikezwa ngamanzi avela komunye umthombo ngaphandle noma ngaphezu kohlelo lokuphakelwa kwamanzi lukamasipala, kufaka phakathi ukukhishwa emfuleni noma epitsini, inani lizoba iphesenti lamanzi asetshenzisiwe kulezo zakhiwo ezilinganiswe kahle ngumasipala.

(5) Lapho ingxenye yamanzi ehlinzekelwe indawo iba ngumkhiqizo wokugcina kwanoma iyiphi inqubo yokukhiqiza noma ilahleka ngokungahambanga kahle noma ukuhwamuka ngesikhathi senqubo yokukhiqiza noma nganoma yisiphi esinye isizathu, umasipala, ngokufaka isicelo komnikazi, anciphise inani eselihloliwe lokungcola kwamanzi.

(6) Ngokuzikhethela kwakhe umasipala angangena esivumelwaneni nanoma yimuphi umuntu okhipha ukungcola kwamanzi ezimboni ohlelweni lokuthuthwa kwendle, asungule enye indlela yokuhlola ubungako bobukhulu kanye nesigqi saloko kungcola kwamanzi akhishwe kanjalo.

(7) Izindleko zezingaqophelo lokungcola lamanzi ezimboni zizosuselwa kwifomula yokukhishwa kokungcola kwamanzi okuvela ezimbonini njengoba kunqunywe kuSheduli C.

(8) Iemibandela elandelayo isebenza maqondana nokuhlolwa kwezingaqophelo lamanzi angcolile avela ezimbonini:_

(a) ikhasimende ngalinye kufanele lenze izivivinyo ezinqunyiwe, ngezikhathi ezithile njengoba kuhlinzekwe ekuvunyelweni kokukhipha ukungcola kwamanzi ezimboni, futhi abike imiphumela kumasipala;

(b) Umasipala angenza izivivinyo ezingahleliwe zokulandela umthetho ukuze kuhambisane nalezo ezisetshenziswe esigatshaneni sika (a) futhi, uma kutholakala ukungafani, amanani kamasipala, ngaphandle kwenhloso yamacala obugebengu, azothathwa ngokuthi alungile kanti okunye ukuhlolwa kungadingeka ngumasipala ukunquma, ngezindleko zekhasimende, amanani esibalo.

(c) Isilinganiso esiphakathi samanani emiphumela yokuhlaziya ehlukahlukene yokuhlanganiswa kwamahora angamashuni nambili nane (24) noma amasampula enziwe ngokushesha okungcola kwamanzi, athathwe ngesikhathi sokubala izindleko, ayosetshenziswa ukuthola amanani ezingaqophelo akhokhwayo;

(d) Uma kungekho isethi ephelele yansuku zonke yamasampula enziwe ngokushesha, isilinganiso esiphakathi esingengaphansi kwamanani amabili amasampula amanzi angcolile, athathwe ngesikhathi sokubala izindleko, siyosetshenziswa ukuthola izindleko ezikhokhwayo;

(e) ukuze kutholakale amandla (Ukufunwa kwe-Chemical oxygen, ukumiswa okuqinile, ukugxila kwe-Ammonia, kanye ne-orthophosphate) (Chemical oxygen demand, suspended solids concentration, Ammonia concentration, and orthophosphate concentration) ekungcoleni kwamanzi kanye nokuqoqana lwensimbi ye-Group 1 no-2, inani le-pH kanye nokuhanjiswa kogesi, umasipala uzosebenzisa izivivinyo ezivame ukusetshenziswa ngomasipala ngalezi zinhloso ezifanele. Imininingwane yokuhlolwa okufanele ingatholakala kumasipala noma kwa-SANS. Imiphumela yokuhlolwa elabhorethri, egunyazwe ngumasipala, izothatha indawo ephambil kunaleyo kamasipala;

(f) ifomula ibalwa ngokususela emiphumeleni engawodwa yokuhlaziya ehlukahlukene yamasampula enziwe ngokushesha noma ahlanganisiwe

nokubalwa kwesikhathi sokwelapha ngeke kube ngaphansi kwesikhathi esisodwa esigcwele samahora angama-24; ngaphandle uma ubufakazi bulethwa kumasipala ukuthi isikhathi esincane empeleni siyasebenza;

(g) imigomo yefomula ebala ngokungakhuthazi ayikwazi ukuba nenani eliselele (negative value);

(h) Amanani wohlelo esewonke wezindleko zezingaqophelo azohlala engaguquguquki esikhathini sokuqala senyanga eyodwa, kodwa kwezinye izimo kungabi ngaphezu kwezinyanga eziyishumi nambili kusukela ngosuku lokuqala lwalezizindleko, ngemuva kokuphela kwesikhathi angahle achibiyelwe noma abuyekezwe ngezikhathi ezithile ngokuya ngoshintsho olunjalo emiphumeleni yokuhlaziya noma ngamanye amasampula, njengoba kunganqunywa ngezikhathi ezithile: inqobo nje uma umasipala ngokubona kwakhe kunoma yiluphi udaba oluthile, angakhokhisa imali ekuyiyona encane ebekiwe esigatshaneni sika (7) (i) ngaphandle kokuthatha amasampula;

(i) Noma nini lapho umasipala ethatha isampula, ingxenye eyodwa yawo kufanele yenziwe ukuthi ikhasimende liwatholle;

(j) Ngenhloso yokubala inani lamanzi angcolile akhishwe endaweni ngayinye yokukhipha amanzi angcolile, inani eliphelele lamanzi asetshenzisiwe ezakhiweni lizokwabelwa izindawo eziningana zokuchithwa ngokuyikho njengoba kungenzeka;

(k) Izindleko zokudlulisa nokwelapha ukungcola kwamanzi kwezimboni zizonqunywa ngumasipala futhi ziyosebenza kusukela ngosuku olunqunywe umasipala; futhi

(l) Ngokubona kukamasipala, imali ekhokhelwa ukungcola kwezimboni ingashintshwa ibe yimali efanayo nyanga zonke enqunywa ngokucabangela

amandla amanzi angcolile, umthamo kanye nokusebenza komnotho kwezimboni ezincane nezincane kakhulu.

90. Ukuncishiswa Kwenani Elikaliwe Lamanzi Angcolie Akhishiwe

(1) Umuntu uyoba nelungelo lesinciphiso senani lamanzi angcolile akhishiwe, njengoba kuhleliwe ngokwezigaba 117 no-118, lapho inani lamanzi, ngokubala khona iphesenti, lalibalwe ngesikhathi lapho amanzi emosheka khona noma ukuvuza kwakungaziwa, uma ikhasimende likhombisa ngokugculiseka kukamasipala ukuthi amanzi awazange athunyelwe ohlelweni lokuthuthwa kwendle.

(2) Ukwehliswa kobuningi kuzoncika ebuningini bamanzi alahlekile ngokuvuza noma ngokumoswa ngesikhathi sokuvuza.

(3) Isikhathi sokuvuza singaba isikhathi sokukala maduze ngaphambi kosuku lokulungiswa kokuvuza, noma isikhathi sokukala lapho ukuvuza kwalungiswa khona, noma yimuphi umphumela oholela ekwehlisweni okukhulu kwenani.

(4) Ubungako bamanzi alahlekile buzobalwa njengokusetshenzisiwe esikhathini sokuvuza kukhishwe ukusetshenziswa okunesilinganiso esimaphakathi, ngokususela ezinyangeni ezintathu (3) ezedlule, ngobude besikhathi esifanayo. Uma kwenzeka kungekho umlando otholakalayo wangaphambilini wokusetshenziswa kwamanzi, umasipala uzonquma ukusetshenziswa kwamanzi ngokwesilinganiso esimaphakathi, ngemuva kokubheka yonke imininingwane ayithatha njengefanelekile.

(5) Ngeke kube khona isinciphiso enanini uma ukulahleka kwamanzi kubangelwe ukwehluleka komthengi ukuthobela lemithetho kamasipala noma eminye, ngokuqonda noma ngokungaqondile.

91. Imali Ekhokhwayo Maqondana Nezinsizakalo Zokuthuthwa Kwendle "Ezisendaweni"

Izinkokhelo maqondana nokususwa noma ukuqoqwa kokuqukethwe ethangini lokonga, indle eqoqwwe ebusuku noma ukukhishwa kwamanzi emigodini kuzohlanganisa zonke izindleko zokusebenza nezokunakekela ezivela ekususweni kokuqukethwe umgodi, ukuthuthwa kwako kuya endaweni yokulahla, ukwelashwa kokuqukethwe ukuthola isimo senhlanzeko nokulahlwa kokugcina kwanoma yiziphi izinsalela eziqinile kukhokhwa ngumnikazi futhi.

92. Ukufaka Amapayipi Okuchitha Amanzi

Umnikazi kumele ahlinzekele futhi alondoloze indawo yakhe yokuchitha amanzi ngezindleko zakhe, ngaphandle uma lokho kufakwa kuyisisekelo sokukhucululwa kwendle njengoba kunqunywe ngumasipala, futhi ngaphandle lapho kuvunywa ngumasipala ngenye indlela, kumele aqinisekise ukuthi ukufakwa kutholakala ngaphakathi komngcele wezakhiwo zakhe.

(1) Umasipala anganquma iphoyinti esitamkokweni, kanye nokujula ngaphansi komhlaba, lapho ukufakwa kwanoma yimaphi amapayipi okuchitha amanzi kuzoxhunyanwa khona nomzila ozolandelwa ngumsele oya endaweni yokuxhuma futhi angadinga ukuthi umnikazi angaqali ukwakha noma ukuxhunywa kokufakwa kwepayipi kuze kubekwe ipayipi lokuxhuma likamasipala.

(2) Noma yikuphi ukufakwa kwamapayipi amanzi okwakhiwe noma okufakiwe kufanele kuthobele noma yikuphi ukucaciswa okusebenzayo ngokwemigomo ye-Building Regulations kanye nanoma yiliphi izimiso ezibekiwe ngokoMthetho.

(3) Akekho umuntu oyovumela ukungena kwanoma iyiphi into ewuketshezi noma eqinile, ngaphandle kwamanzi ahlanzekile ngezinhloso zokuhlola, ukuthi ingene endaweni yepayipini lokuchitha amanzi ngaphambi kokuxhunywa komgudu wokuqoqa ukungcola.

(4) Lapho izakhiwo zitholakala ethafeni lesikhukhula sonyaka owodwa (1) eminyakeni engaba amashumi amahlanu (50), ukungena endaweni ephezulu lazo zonke izintuba zokufinyelela, amakamelo okuhlola kanye namachibi kufanele libe ngaphezu konyaka owodwa (1) eminyakeni engamashumi amahlanu (50) yendawo yezikhukhula.

(5) Ngemuva kokuphothulwa kwanoma yikuphi ukufakwa kwamapayipi okuchitha amanzi, noma ngemuva kokuguqulwa kwanoma ikuphi ukufakwa kwepayipi lokuchitha amanzi kuqediwe, uplamba obhekele ukwenziwa komsebenzi kufanele athumele esigcemeni sokuhlola ukwakhiwa sikamasipala isitifiketi esiqinisekisa ukuthi umsebenzi usuphothuliwe ezingeni elibekwe kumithethonqubo yokwakha, ngokwemithetho kamasipala kanye nanoma imuphi omunye umthetho ofanele noma imithetho kamasipala.

(6) Awekho amanzi emvula noma amanzi esiphepho, futhi awekho amanzi angcolile ngaphandle kwamanzi angcolile avunywe ngumasipala, angakhishelwa endaweni yokuhambisa amanzi.

93. Unqanyulwa Kokufakwa Kwamapayi Okuchitha Amanzi

(1) Ngaphandle kwenhloso yokwenza umsebenzi wokunakekela noma wokukhanda, awekho amapayipi okuchitha amanzi okunganqanyulwa endaweni yokuxhuma.

(2) Lapho noma iyiphi ingxenye yokufakwa kwepayipi lokuchitha amanzi linqanyuliwe kokusele ngoba ngeke lisasetshenziswa, ingxenye enqanyuliwe kufanele ishatshalaliswe noma isuswe ngokuphelele endaweni ebikade isetshenziswa kuyo, ngaphandle kwalapho umasipala evuma ngokuhlukile kunalokhu.

(3) Lapho ukunqanyulwa sekwenziwe ngemuva kokuba zonke izidingo zeMithetho Yokwakha maqondana nokunqanyulwa sekulandelwe, unjiniyela kumele, ngesicelo somnikazi, akhiphe isitifiketi esiqinisekisa ukuthi lokho kunqamula

kuqediwe ngokwemigomo ye-Building Regulations kanye nokuthi noma yiziphi izinkokhelo eziphakanyisiwe maqondana nengxenye enqanyuliwe yokufakwa kwepayiphi zizokhawuka ukukhokhiswa kusukela ekupheleni kwenyanga eyandulela usuku lokuqala lwenyanga elandela ukukhishwa kwalesi sitifiketi.

(4) Lapho ukufakwa kwepayipi kunqanyuliwe ukusuka esitamkokweni, unjiniyela kufanele avale isikhala esibangelwe ukunqanyulwa futhi angacela izindleko zokwenza kanjalo kumnikazi wendawo lapho ukufakwa kunqanyulwe khona.

(5) Lapho uhlelo lokuhambisa amanzi luxhunywa noma lunqanyuliwa ohlelweni lokuhambisa indle phakathi nenyanga, izindleko zizobalwa sengathi ukuxhuma noma ukunqanyulwa kwenzeke ngosuku lokuqala lwenyanga elandela inyanga lapho ukuxhuma noma ukunqanyulwa kwenzeka ngayo.

94. Ukunakekelwa Kokufaka Kwamapayipi Achitha Amanzi

(1) Umnikazi kumele ahlinzeke futhi anakekele ukufakwa kwamapayipi okuchitha amanzi ngemali yakhe.

(2) Lapho noma iyiphi ingxenye yokufakwa kwepayipi okuchitha amanzi lisetshenziswa ngabanikazi ababili noma ngaphezulu noma abahlali, bonke bayoba nesibopho sokunakekela ukufakwa ngokuhlanganyela nangokuhlukana.

(3) Umnikazi wanoma iyiphi indawo kufanele aqinisekise ukuthi yonke imigodi nezindawo zokuhlanza ezakhiweni ziyabonakala futhi kuyafinyeleleka kalula kuzona.

95. Izidingo Zobuchwepheshe Zokufakwa Kwamapayipi

Konke ukufakwa kwamapayipi okuhambisa amanzi kuzohambisana nekhodi ye-SANS 0252 kanye neMithethonqubo Yokwakha.

96. Izindawo Zokuchitha Amanzi

(1) Amapayipi adlula kumhlaba, ngokubona kanjiniyela kungenzeka anyakaze, kufanele abekwa embhedeni oqhubekayo wesihlabathi somfula noma into efanayo kungabi ngaphansi kuka-100 mm ubukhulu ngaphansi kwepayipi futhi azungezwe yizinto kanye nobukhulu obufanayo, futhi amajoyinti amapayipi okuchitha amanzi anjalo kufanele abe amajoyinti agobekayo, agunyazwe unjiniyela.

(2) ipayipi lokuchitha amanzi noma ingxenye yalo ingabekwa kuphela ngaphakathi noma lidlule esakhiweni, ngemvume kanjiniyela.

(3) ipayipi lokuchitha amanzi noma ingxenye yalo, elibekwe endaweni okungafinyeleleki kuyo ngaphansi kwebhilidi, akufanele ligotshwe noma libekwe kummango (gradient).

(4) Uma ipayipi lokuchitha amanzi lidlula noma lingaphansi kodonga, ifawundeshi noma esinye isakhiwo, kuyodingeka kuthathelwe izinyathelo ezifanele zokuvikela, ukuze kuvikele ukuchitheka kwanoma uluphi uketshezi.

97. Ukuvaleka kwestamkoko

(1) Akekho umuntu ongadala noma avumele ukuqongelelwa kwegrisi, uwoyela, amafutha, into ehlonzile, noma okunjani kunoma uluphi ugibo, ithangi noma okuxhunyiwe okungadala ukuvaleka noma ukusebenzi kahle.

(2) Lapho umnikazi noma umhlali wendawo enesizathu sokukholelwa ukuthi ukuvaleka kwenzekile epayipini lokuchitha amanzi, kufanele athathe izinyathelo ezisheshayo zokuthi livulwe.

(3) Uma umnikazi noma umhlali wendawo enesizathu sokukholelwa ukuthi ukuvaleka kwenzeke ohlelweni lokuhambisa indle, kufanele azise umasipala ngokuphuthuma.

(4) Lapho ukuvaleka kwenzeka epayipini lokuchitha lamanzi, noma yimuphi umsebenzi odingekayo ukuze livulwe kufanele nguplamba noma ngaphansi kokuqondisa, kwakhe.

(5) Uma kwenzeka ipayipi louchitha amanzi liqhuma kunoma isiphi isakhiwo ngenxa yokuvaleka kwestamkoko futhi uma umasipala enelisekile ngokufanelekile ukuthi izinto ezifakwe emapayipini zidale ukuqhuma, umnikazi wendawo lapho kunepayipi uyobophezeleka ngezindleko zakhe ukukhuculula ukuvaleka.

(6) Lapho ukuvaleka sekususiwe emapayipini achitha amanzi noma ingxenye yawo aphakela izakhiwo ezimbili noma ngaphezulu, abanikazi ngokuhlangene nangamunye bazoba nesibopho sezindleko zokususa ukuvaleka.

(7) Lapho ukuvaleka kohlelo lokuthuthwa kwendle sekususiwe ngunjiniyela futhi ukususwa kwenze ukulimala kokusindwe ngamatshe, utshani noma ezinye izindawo zomfakela zabanikazi, akuyodingeka ukuthi unjiniyela noma umasipala bazibuyisele loko esimweni sangaphambili futhi ngeke babe necala lanoma imuphi umonakalo owenzekile kuzona ngaphandle uma umonakalo ubangelwe isenzo esingalungile noma ubudedengu bukanjiniyela.

98. Izicupho Zikagrisi

Isicupho segrisi sohlobo, usayizi kanye nobukhulu obuvunyiwe kufanele kuhinzekwe kuzozonke izakhiwo ezichithela kwisiza sohlelo lokuthutha indle olusegcekeni, noma lapho, ngokombono kamasipala, ukuchitha kwegrisi, uwoyela namafutha kungadala ukuvaleka kokugeleza kwestamkoko noma amapayipi okuchitha amanzi, noma ekuphazamiseni ukusebenza okufanele kwanoma yisiphi isizinda sokwelapha ukungcola kwamanzi.

99. Izicupho Zegrisi Zezimboni

(1) umnikazi noma umkhiqizi kumele aqinisekise ukuthi amanzi angcolile ezimboni equkethe, noma, ngokubona kukamasipala kungenzeka ukuthi aqukethe, ugrisi, amafutha, uwoyela, amafutha engxube yezinto ezihlonzile ezingaphili kofanele, ngaphambi kokuba kuvunyelwe ukungena kunoma isiphi istamkoko, kudluliswe ethangini elilodwa noma amaningi noma amakhosomba, ohlobo, usayizi kanye nomthamo elakhelwe ukuvimba nokugcina lowo grisi, uwoyela, amafutha noma into ehlonzile, evunyelwe ngunjiniyela.

(2) Umnikazi noma umkhiqizi kufanele aqinisekise ukuthi lowo woyela, ugrisi noma ezinye izinto ezikhona kunoma yikuphi ukungcola kwmanzi ezimboni noma olunye uketshezi futhi olukhipha okuvuthayo noma umusi onobungozi ezingeni lokushisa, noma eleqile ku 20°C degree kumele kubanjwe futhi kugcinwe ethangini noma kwikhosomba ukuze kuvikele ukungena kwako esitamkokweni.

(3) Ithangi noma ikhosomba okukhulunywe ngalo esigatshaneni sesibili (2) kufanele lihambisane nalezi zidingo ezilandelayo: -

(a) Kuzomele libe nomthamo owanele, lakhiwe ngezinto eziqinile neziphuzayo ukuguga futhi lingangenwa amanzi uma seliqediwe ukwakhiwa;

(b) Isivalo samanzi wepayipi layo lokuchitha akufanele sibe ngaphansi kwama-300 mm ngokujula; futhi

(c) Lihlinzekwe ngezivalo ezanele zemigodi yokususa ngokuyimpumelelo ugrisi, uwoyela amafutha kanye nokuhlonzile.

(4) Noma yimuphi umuntu ochithela amanzi angcolile ethangini noma ekhosombeni kufanele asuse ugrisi, uwoyela, amafutha noma into ehlonzile njalo ethangini noma ekhosombeni futhi kufanele igcine iregister ebhaliwe yokwenza lokho: -

(a) Izinsuku lapho ithangi noma igumbi lihlanzwe ngazo;

(b) Igama lanoma unani umuntu oqashwe nguye ukuhlanza ithangi noma ikhosomba noma, uma elihlanze ngokwakhe, kufanele asho ukuthi wenze njalo.

(c) Isitifiketi esivela kumuntu oqashelwe ukuhlanza esiqinisekisa ukuthi ithangi noma ikhosomba lihlanziwe futhi asho indlela yokuthi lokho okade kuqukethwe ethangini noma ekhosombeni kulahliwe noma uma elihlanze ngokwakhe, asho kusona isitifiketi asenzile.

100. iMishini Yokupompa Indle

(1) Umnikazi wanoma iyiphi indawo kumele athole imvume kunjiniyela ngaphambi kokufaka noma yimuphi umshini wokuphakamisa noma wokudlulisa indle ngokwemigomo ye-Building Regulations.

(2) imvume kufanele ifakelwe isicelo ngunjiniyela onguchwepheshe futhi kumele kuhambisane nemidwebo elungiswe ngokuhambisana nezinhlinzeko ezifanele zeMithetho Yezokwakha futhi kumele ikhombise imininingwane yegumbi eliqukethe okokusebenza, ithangi lokugcina indle, igumbi lokuqeda amagwebu nokuhlaliswa kwalo, kanye nokuhlaliswa kwamapayipi okuchitha amanzi, amapayipi wokungenisa umoya, ipayipi elikhulu eliphakeme nokuxhunywa kwamapayipi endle.

(3) Ngaphezu kwanoma yikuphi ukuvunyelwa okunikeziwe ngokwesigatshana sokuqala (1), umasipala ngeke abhekane nanoma ikuphi ukulimala, ukulahleka noma ukulinyazwa kwempilo noma impahla okubangelwe ukusebenza, ukungasebenzi kahle noma esinye isimo esiqhamuka ekufakweni noma ekusetshenzisweni kwemishini yokuphakanyiswa noma yokudluliswa kwendle ngaphandle uma ukulimala noma umonakalo ubangelwe isenzo esingalungile esiyinhloso noma isenzo sobudedengu noma ubudedengu obenziwe ngumsebenzi kamasipala.

(4) Yonke into esebenza ngomshini ofakelwe ukuphakamisa noma ukudlulisa indle kumele ikakhulukazi yakhiwe ngenhloso futhi izoxhunywe nepayipi lokuchitha, amavalvu ashelelayo (sluice valves) kanye namavalvu avulela ukugeleza kohlangothi olulodwa abekwe ezindaweni ezivunyelwe.

(5) Ngaphandle kokuthi kuvunywe ngunjiniyela, imishini enjalo izofakwa ngokuphindwa futhi ngamunye umishini uzolawulwa ngendlela yokuthi omunye uzoqala ukusebenza ngokuzenzekelayo uma kwenzeka omunye uhluleka ukusebenza.

(6) Yonke imishini ehlangana nengxenye yokufakwa kwepayipi lamanzi uzozinza futhi usetshenziswe ngendlela yokungabangi inkathazo ngomsindo noma ngephunga noma ngezinye izindlela, futhi zonke izingxenye eziqukethe lezizinto zokusebenza kufanele zigeleze umoya ngowanele.

(7) Izinga eliphezulu lokuhamba kokuchithwa kunoma umuphi umshini, kanye nezikhathi lapho ukuchithwa kungenzeka ngazo, kuyoba njengokunquma kukanjiniyela ongahle, nganoma yisiphi isikhathi, adinge ukuthi umnikazi afake lawo lezozinto ezifakwayo futhi nemishini yokulawula okungathi ngokombono wakhe, kuqiniseke ukuchitha okusesibalweni esiphezulu kwesilinganiso aseqiwa.

(8) Ngaphandle kwalapho isikhala esigcina indle sifakwe njengengxenye esemqoka yomshini, ithangi lokugcina indle kufanele lihlinzekwe kanye nalemishini.

(9) Wonke amathangi okugcina indle ngokwendima (a) kumele:-

(a) akhiwe ngezinto eziqinile, ezingasheshi ukuguga futhi kufanele zingangeneli amanzi futhi indawo yangaphakathi yezindonga naphansi kufanele kube bushelelezi futhi ingasakami;

(b) abe nomthamo wokulondoloza ongaphansi kwezinga lokungenisayo alingane nenani lendle echithiwe kumahora angu-24 noma ama amalitha angu 900, nomay ikuphi okungaphezulu ngobukhulu; futhi

(c) Akhiwe ngendlela yokuthi inani elikhulu elikuqukethe kwendle kuyakhishwa ngokuchitha ngakunye kwalowo mshini.

(10) Onke amathangi okulonda kanye negumbi lokuqeda amagwebu lizohlinzekwa nepayipi lomoya ngokuhambisana nokucaciswe unjiniyela.

101. Ukufakwa kwendawo yokuthuthwa indle

Uma isivumelwano sokufakwa kwendawo yokuthuthwa kwendle maqondana nezakhiwo sesenziwe, noma uma kungenzeki noma kubiza kumasipala ukufaka kokuxhunywa kwendle, umnikazi kufanele afake kueyo ndawo uhlinzeko lokuthuthwa kwendle oluchazwe ngumasipala, ngaphandle uma uhlinzeko lungoluxhasiwe olunqunywe ngumasipala ngokuhambisana nale Mithetho kaMasipala.

102. Izindlu zangasese ezishaya umoya

(1) Umasipala, ngaphansi kwemibandela enqunyiwe, ngokubheka ubunjalo nokuvuleka kwenhlabathi, ukujula kwendawo yamanzi ephansi ephakathi kwenhlabathi nephezulu, ubukhulu, kanye nokufinyela, isiza kanye nokutholakala kokuhanjiswa kwamanzi ngamapayipi, angavuma ukulahlwa kwendle yabantu ngokusebenzisa izindlu zangase zemigodi ezishaya umoya (VIP).

(2) Izindlu zangasese zemigodi ezishaya umoya, kufanele zibe nalokhu okulandelyo:-

(a) Indlu yangasese yomgodi onomthamo ka2 m3;

(b) Ulwelesi njengoba kufuneka;

(c) Isiqephu esikhulu esenziwe ngokhoknolo esenzelwe ukusekela umthwalo omkhulu kakhulu; futhi

(d) Isivikelo sokuvimbela izingane ukuthi zingaweli emgodini.

(3) Izindlu yangasese ezithuthukisiwe ezishaya umoya kufanele zihambisane nalezi zinto ezilandelayo ezicacisiwe:-

(a) umgodi kufanele ungene umoya ngepayipi, uvalwe ekupheleni phezulu kwawo ube nesizimbelo sezinambuzane esingagugi esakhelwe sazinza kulowomgodi

(b) Ipayipi lokungenisa umoya kufanele livele lingabi ngaphansi kuka-0.5 m ngaphezu kophahla oluseduze, kufanele okungenani libe u-150 mm ukuzungeza, futhi kufanele lifakwe liqonde lingagobi.

(c) Ingaphakathi lendlu yangasese kumele libebushelelezi ukuze ligcinwe lisesimweni senhlanzeko. Isakhiwo esikhulu kufanele singenwe umoya kahle ukuze umoya ukwazi ukuheleza ngokukhululeka emgodini ngepayipini;

(d) Ukuvuleka okudlula esiqeshini esikhulu sikasimende kufanele kube ngokosayizi owanele ukuvimbela ukunuka. Usebe kufanele luphakanyiswe ukuze uketshezi olusetshenziselwa ukugeza phansi lungangeni emgodini. Kufanele sifakwe isivalo ukuvimbela ukuphuma kwezimpukane nezinye izinambuzane lapho indlu yangasese ingasetshenziswa;

(e) Kufanele ibekwe endaweni ezimele kunalapho kuhlalwa khona.

(f) Kumele ibekwe ezindaweni ezifinyelela ezimotweni zomgwaqo ezinobubanzi obungu-3.0 m ukuze kwenziwe lula ukuthululwa komgodi.

(g) Ezimweni lapho kunengozi yokungcolisa idwala elingaphansi komhlaba ngenxa yokungenela kwenhlabathi, umgodi kufanele uvalwe ngolwelwesi engangeneli ehlala isikhathi eside futhi ingeke iqhephuke ngaphansi kobunzima;

(h) Ezimweni lapho umhlabathi okuzokwembelwa kuwo umgodi wendlu yangasese ungazinzile, ukwesekwa okufanelekile kuyadingeka ukuvimbela ukuwa komhlabathi.

103. Amathangi Abolisa Indle Nezikhumulo Zokwelapha

(1) Umasipala angakwazi, ngaphansi kwemibandela angayibeka; ukuvumela ukulahlwa kwendle noma okunye ukungcola kwamanzi ngokusebenzisa amathangi abolisa indle noma ezinye izikhumulo ezisendaweni zokwelapha.

(2) Ithangi llokubolisa indle noma ezinye izikhumulo ezisendaweni zokwelapha akufanele libe sendaweni eseduze ngamamitha amathathu kunoma iyiphi indawo yokuhlala noma kunoma yimuphi umngcele wendawo elikuyo.

(3) Ukungcola kwamanzi asuka ethangini lokubolisa noma ezinye izikhumulo ezisendaweni zokwelapha kufanele kulahlwe ngendlela ezogculisa umasipala.

(4) Ithangi lokubolisa indle kufanele lingangeni amanzi, livalwe ngendlela ephephile futhi lihlinzekwe ngokokuvimbela igesi ukuthi ingangeni ngaphakathi kwalo ngokwanele ukuze kwenzeke ukuhlolwa kwamapayipi okungenisa nawokukhipha futhi kwanele ngenhloso yokususa udaka.

(5) Ithangi llokubolisa indle eliphakela endawo yokuhlala kumele: -

(a) Libe nomthamo ongaphansi kwesilinganiso sendawo ephendukayo yepayipi lokukhipha kungabi ngaphansi kwamalitha angu 500 ngekamelo lokulala, kuzeleke ebuncaneni bomthamo ngaphansi kwendawo ephendukayo mandla angaphansi kwezinga lokungeniswa kwepayipi lokuphuma okungekho ngaphansi kwamalitha angu-500 ekamelweni ngalinye, kuye ngobuncane besilinganiso esiguqukayo esingaphansi kwalelo zinga lama-2 500 amalitha;
(b) Libe nelingaphakathi elinobubanzi obungekho ngaphansi kwemitha elilodwa (1) ngesilinganiso emabangeni aqondile endaweni yokugelezeni;
(c) Libe nokujula kwangaphakathi kwekhava. Nephansi lethangi lingabi ngaphansi kwamamitha awu-1,7; futhi
(d) Ligcine uketshezi ekujuleni okungekho ngaphansi kwamamitha awui-1,4.

(6) Amathangi abolisa indle aphakela ezakhiweni ngaphandle kwendawo enezinawo eziningi zokuhlala esizeni esisodwa kumele enziwe futhi aqinisekiswe unjiniyela wezakhiwo onguchwepheshe obhalise njengelunga ku engeneering Council of South Africa.

(7) Awekho amanzi emvula, amanzi esiphepho noma ukungcola kwamanzi angakhishelwa ethangini lokubolisa indle ngaphandle kwalawo agunyazwe umasipala.

104. **Amapayipi Avikela Umonakalo Ezakhiweni (French Drains)**

(1) Umasipala, ngaphansi kwemibandela angayibeka ngemuva kokubheka ubuningi kanye nohlobo lokungcola kwamanzi kanye nohlobo lomhlabathi njengoba kunqunywe uvivinyo lokuhlola ukungavuzi kwamanzi lwe-South African Bureau of Standards, angavuma ukulahlwa kwamanzi angcolile noma amanye amanzi angcolile amapayipi avikela umonakalo ezakhiweni, imigodi encela amanzi, noma eminye imisebenzi evunyelwe.

(2) Ipayipi elivikela umonakalo ezakhiweni, umgodi wokuncela amanzi noma eminye imisebenzi efanayo akufanele abeseduze ngamamitha amahlanu (5) kunoma iyiphi indawo yokuhlala abantu abaningi esizeni esisodwa noma kunoma yimuphi umngcele wanoma iyiphi indawo, lapho ikhona, noma kunoma yikuphi ukuma, ngokombono kamasipala, okungadala ukungcoliswa kwanoma iliphi ipitsi noma omunye umthombo wamanzi osetshenziselwa noma ongasetshenziselwa izinjongo zokuphuza, noma ubangele umswakamo kunoma yiliphi ibhilidi.

(3) Izilinganiso zobukhulu banoma yiliphi ipayipi elivikela umonakalo ezakhiweni; umgodi oncela amanzi noma eminye imisebenzi efanayo iyonqunywa maqondana nezimfanelo zezingaqophelo lokumuncela omhlabathi kanye nemvelo nezingaqophelo lamanzi angcolile.

(4) Amapayipi avikela umonakalo ezakhiweni aphakela izindawo ezingezona izindlu zokuhlala kumele akhiwe futhi aqinisekiswe ngunjiniyela oqeqeshiwe kwezokwakha onobuchwepheshe obhaliswe njengelungu loMkhandlu wobunjiniyela waseNingizimu Afrika.

105. Amathangi Okulonda

(1) umasipala angahle, ngaphansi kwemibandela angayibeka; avume ukwakhiwa kwethangi lokulonda kanye nemishini esizayo ukuze agcine indle noma amanzi angcolile.

(2) Awekho amanzi emvula, amanzi esiphepho, noma amanzi angcolile ngaphandle kwalawo avunywe umasipala angakhishelwa ethangini lokulonda;

(3) Alikho ithangi lokulonda okufanele lisetshenziselwe lokho ngaphandle uma:-

(a) ukuguquka kwemmango wethangi ubheke lapho kukhishwa khona ngezinga elingekho ngaphansi kwe lokuqala (1) eshumini (10).

(b) Ithangi alingeni igesi namanzi;

(c) Ithangi linepayipi lokukhipha, elinokuzungeza bangaphakathi bobubanzi obuwu 100 mm, elenziwe ngohlobo lwensimbi oluqinile, insimbi exubile noma enye into evunyiwe, futhi ngaphandle kwalapho kuvunywa ngenye indlela ngumasipala, kugcina kuvalvu evunyelwe kanye nokufakwa kwezinto ukuxhuma ezimotweni zokuthutha zikamasipala;

(d) ivalvu nokokufaka okukhulunywe ngakho endimeni (c) noma indawo yokukhipha yepayipi, njengoba kungaba njalo, zitholakala ekhosombeni elinesivalo sengibe esivunyelwe ngunjiniyela futhi esibekwe ngendlela efunwa ngumasipala

(e) ukufinyelela ethangini lokulonda kufanele kuhlinzekwe ngomgodi ovunyelwe ofakwe isivalo sensimbi exubile ebekwe masinyane ngenhla kweplagi ebonakalayo yepayipi lokungenisa.

(4) Umasipala, esebuke ukumiswa kwethangi lokulonda noma indawo yokuxhuma kwemoto yokuthutha, angafuna ukuthi umnikazi noma ikhasimende livikele umasipala, ngokubhala, ngokumelane nanoma ymuphi umonakalo ongavela ekunikezelweni kwalolohlinzeko njengenye yemibandela yokuchitha ithangi.

(5) Lapho imoto kamasipala yokuthutha kumele inqamule emagcekeni azimele izothutha ithangi lokulonda, umnikazi uzohlinzeka ngomgwaqo okungenani u-3,5 m ububanzi, uqine ngendlela ezokwenza ukuthi ukumelana nesisindo esingu 4 wamathani kuzozonke izimo zezulu, futhi aqinisekise ukuthi akukho masango lapho kufanele kudlule imoto ukuze ifinyelele ethangini, ezoba ngaphansi kuka-3,5 m ububanzi.

(6) Umnikazi noma umhlali wendawo lapho kugcinwa khona ithangi lokulonda uyogcina ithangi lisesimweni esigculisa umasipala ngaso sonke isikhathi.

106. Ukusebenza Nokunakekelwa Kohlinzeko Lwezindawo Zokuthuthwa Kwendle

Ukusebenza nokunakekelwa kwezindawo zohlinzeko lokuthuthwa kwendle kanye nazo zonke izindleko ezihambelana nazo kuyohlala kungumthwalo womnikazi wendawo, ngaphandle uma uhlinzeko lokuthuthwa kwendle lungaphansi koxhasa njengoba kubekiwe emithethweni kamasipala ephathelene nokuphathwa kanye nokuqoqwa kwezikweletu.

107. Amathangi Okulonda Nawokubolisa Indle Angasasebenzi

Uma ithangi elikhona lokulonda noma ithangi lokubolisa indle lingasadingeki ukulonda noma ukwelashwa kwendle, noma uma imvume yokusetshenziswa kwayo ihoxisiwe, umnikazi kufanele enze ukuthi lisuswe ngokuphelele noma ligcwaliswe ngokuphelele ngomhlabathi noma okunye okufanelekile, inqobo nje uma unjiniyela engadinga ukuthi ithangi lisetshenzwe ngenye indlela, noma avume lisetshenziselwe ezinye izinjongo, ngokuya kwemibandela echazwe nguye.

108. Ukuvunyelwa Kokukhishwa Kwamanzi Angcolile Ezimboni

(1) Akekho umuntu ozokhipha noma abangele noma avumele amanzi angcolile ezimboni ukuthi athunyelwe ohlelweni lokuthuthwa kwendle ngaphandle kwemvume kamasipala.

(2) Umuntu kumele afake isicelo sokuvunyelwa ukukhipha amanzi angcolile ezimboni ohlelweni lokuthuthwa kwendle lukamasipala efomini ebekiwe enamathiselwe njengoHlelo B kule mithetho kamasipala.

(3) Umasipala, uma ngokubona kwakhe umthamo wohlelo lokukhucululwa kwendle wenele ukuvumela ukuhanjiswa kanye nokwelashwa okusebenzayo kanye nokulahlwa okusemthethweni kwamanzi angcolile ezimboni,

kwalesosikhathi nangaphansi kwaleyo mibandela engayiphoqa, angavuma ukukhishelwa kwamanzi angcolile ezimboni kuhlelo lokuthuthwa kwendle.

(4) Noma yimuphi umuntu ofisa ukwakha noma ukwenza ukuba kwakhiwe, isakhiwo esizosetshenziswa njengendawo yokuhweba, kufanele ngesikhathi sokufaka uhlelo lokwakha ngokwesigaba sesine (4) seMithethonqubo Kazwelonke Yokwakha Namazinga Okwakha Nombolo. 103 of 1977, futhi afake izicelo zokuhlinzekwa kwezinsizakalo zokuthuthwa kwendle kanye nokuvunyelwa ukukhipha amanzi angcolile ezimbonini.

109. Ukuhoxiswa Kokuvunyelwa Ukukhipha Amanzi Angcolile Ezimboni

(1) Umasipala angahoxisa noma ikuphi ukuvunyelwa kwikhasimende lwezohwebo, ogunyazwe ukukhipha amanzi angcolile ezimboni ohlelweni lokuthuthwa kwendle, lapho enikeza isaziso sezinsuku eziyi-14 (eziyishumi nane), uma ikhasimende: -

(a) Lehluleka ukuqinisekisa ukuthi ukukhishwa kwamanzi angcolile emboni kuhambisana nezimiso zamanzi angcolile ezimboni ezibekwe kuSheduli A yale mithetho kamasipala noma imvume ebhaliwe;

(b) lehluleka noma lenqaba ukuhambisana nanoma yisiphi isaziso asinikezwe ngokusemthethweni ngokwalemithetho kamasipala, noma lephula noma yiziphi izinhlinzeko zalemithetho kamasipala noma yimuphi umbandela obekiwe ngokwemvume anikezwe yona; noma

(c) Lehluleka ukukhokha imali maqondana nanoma yimaphi amanzi angcolile akhishiwe.

(2) Umasipala lapho ehoxisa noma ikuphi ukuvunyelwa: -

(a) Ngaphezu kwanoma yiziphi izinyathelo ezidingekayo kule mithetho kamasipala, nangesaziso esibhaliwe sezinsuku eziyishumi nane (14), angagunyaza ukuvalwa kwepayipi elixhuma kule ndawo eshiwoyo;

(b) Angenqaba ukwamukela noma yimaphi amanzi angcolile ezimboni kuze kube waneliseka ukuthi izinyathelo ezanele zokuqinisekisa ukuthi

ukukhishwa kwamanzi angcolile ezimboni kuvumelana nezimiso ezifunwa yilemithetho kamasipala;

110. Amaqophelozinga Wezimiso Zokulahlwa Kwamanzi Angcolile Ezimboni

(1) Ikhasimende elihwebayo, onikezwe imvume kufanele aqinisekise ukuthi awekho amanzi angcolile ezimboni akhishelwa ohlelweni lokukhucululwa kwendle lukamasipala ngaphandle uma kuhambisana nezimiso kanye nemibandela ebekwe kuSheduli A.

(2) Uma umasipala ekunikeni kwakhe imvume, angehlisa noma aguqule izimiso kuSheduli A, inqobo nje uma eneliseka ngokuthi noma yikuphi ukwehlisa kumele indlela engcono kakhulu yezemvelo.

(3) Ekunqumeni ukwehlisa noma ukuguquka kwezimiso kuSheduli A kumele kumele indlela engcono kakhulu yezemvelo umasipala kufanele akucabangele-

(a) Ukuthi umthengi ohwebayo izibopho zakhe uzenza futhi uzigcina emazingeni afanele;

(b) Ukuthi ubuchwepheshe obusetshenziswa ikhasimende lezohwebo bumele okungcono kakhulu obutholakala embonini yabathengi bezohwebo futhi, uma kungenjalo, ngabe ukufakwa kobuchwepheshe obuhle kakhulu kungadala izindleko zomthengi ezingenangqondo;

(c) Ukuthi ikhasimende elihwebayo lisebenzisa uhlelo lokunciphisa imfucuza oluhambisana nezimiso zikazwelonke zokunciphisa imfucuza ezibekwe ngokuhambisana nomthetho kazwelonke;

(d) Izindleko kumasipala zokunikeza ukwehlisa noma ukwahluka;

(e) Umthelela wezemvelo noma umthelela ongaba khona ngokwehlisa noma ngokwwahluka.

(4) Amasampula okuhlola angathathwa noma ngasiphi isikhathi ngumuntu othwebula amasampula ofanelekile ukuthola ukuthi ngabe amanzi angcolile

ezimboni ahambisana neSheduli A noma yisiphi esinye isimiso esidingekayo yokuthola imvume.

111. Imibandela Yokukhishwa Kwamanzi Angcolile Ezimboni

(1) umasipala lapho ngokunikeza imvume yokukhishwa kwamanzi angcolile ezimboni, noma nganoma isiphi isikhathi abona kufanelekile, ngesaziso, angafuna ikhasimende elihwebayo ukuthi:-

(a) Afake amanzi angcolile ezimboni, ekulashwenikokwandulela njengokubona kukamasipala kuzoqinisekisa ukuthi ukungcola kwamanzi ezimboni kuyahambisana namazimiso ezibekwe oHlelweni A ngaphambi kokukhishelwa ohlelweni lokuthuthwa kwendle.

(b) Ukufaka amathangi okulinganisa, amavalvu, amaphampu, izinto ezisetshenziswayo, amamitha nezinye izinto zokusebenza, ngokubona kukamasipala, zizodingeka ukulawula izinga nesikhathi sokukhishelwa ohlelweni lokuthuthwa kwendle ngokuya ngemibandela ebekwe nguye;

(c) Ukufaka ukuhanjiswa kwamanzi angcolile ezimboni ohlelweni lokukhucululwa kwendle ngesikhathi esithile, ukufakwa kwamapayipi okuchitha ahlukaniswe nokufakwa kwepayipi lokuchitha amanzi elifakelwe amanye amapayipi endle futhi angavimbela ikhasimende elihwebayo ukuthi alahle amanzi angcolile akhe ezimbonini yinoma iyiphi enye indawo;

(d) Ukwakha kunoma yiliphi ipayipi elihambisa amnzi angcolile akhe okuvela ezimboni kunoma yimuphi umsele wendle, imbobo yokungena kwensiza noma ivalvu lokuvala, esesimweni esinjalo nezilinganiso zobukhulu nezinto zokwakha ezinganqunywa ngumasipala’

(e) Ukunikeza yonke imininingwane engadingwa ngumasipala ukuze akwazi ukubala izintela noma izindleko okumele zikhokhwe kumasipala;

(f) Hlinzeka ngezinsiza ezanele ezibandakanya, kodwa kungagcini lapho, mathuluzi okuthola isikalo noma ukuchichima, imishini elinde ukusebenza uma kuingeka, imigodi ekhongozela ukuchichima, noma ezinye izindlela ezifanele zokuvimbela ukukhishelwa ohlelweni lokukhucululwa kwendle ngokungahambisani nale mithetho kamasipala;

(g) Ukwenza noma iyiphi imitha, igeji noma enye into efakwe ngokwalesi sigaba ilinganiswe yisiphathimandla esizimele ngokukhokhelwa yikhasimende elihwebayo ngalezo zikhathi njengoba kungadingeka ngumasipala futhi amakhophi okulinganisa kufanele adluliselwe yikhasimende elihwebayo kumasipala; futhi

(h) Ukwenza amanzi angcolile ezimboni ahlolisiswe kaningi, futhi nganoma iyiphi indlela, kunganqunywa ngumasipala futhi ahlinzekwe ngemiphumela yalezi zivivinyo lapho seziphothuliwe.

(2) Izindleko zanoma yikuphi ukwelashwa, isikhumulo, umsebenzi noma ukuhlaziywa, okungadingeka ukuthi umuntu akwenze, ukwakha noma ukufaka ngokwesigatshana sokuqala (1), kuzokhokhwa ikhasimende elihwebayo elithintekayo.

(3) Uma amanzi angcolile ezimboni engahambisani nezimiso ezikuSheduli A noma engakutholanga ukuvuma kukamasipala, kukhishelwa ohlelweni lokuthuthwa kwendle, umasipala kufanele aziswe nezizathu zaloko, kungakapheli amahora ayishumi nambili akhishiwe.

112. Ukwamukelwa Kwendle Okulethwa Ngenlela Yomgwaqo (Road Haulage)

Unjiniyela, ngokubona kwakhe, futhi ngokuya ngemibandela angayibeka, angayamukela indle ezolahlwa elethwa ezindaweni zokuhlanza indle zikamasipala ngokuthuthwa ngomgwaqo.

113. Ukuvunyelwa ukulethwa kwendle Ngendlela Yomgwaqo

(1) Akekho umuntu ozohambisa indle ngomgwaqo ukuze ayikhiphele ezikhumulweni zokuhlanza indle zikamasipala ngaphandle kwemvume yonjiniyela futhi kuncike kunoma yimiphi imibandela, noma yiziphi izikhathi, ezingabekwa kuye ngezizathu ezizwakalayo.

(2) izindleko zanoma yikuphi ukuthuthwa kwendle okulethwa Umasipala ngokuya ngamanani entela anqunyiwe akhokhiswayo uzothola ukungena ukulahla ezindaweni zokuhlanza indle zikamasipala.

114. Ukuhoxiswa Kwemvume Yokulethwa Kwendle Ngendlela Yomgwaqo

Unjiniyela angahoxisa noma yikuphi ukuvunyelwa, okunikezwe ngokwalemithetho kamasipala ngemuva kokunikeza okungenani isaziso esiyizinsuku eziyi-14 (ishumi nane) esibhalwe phansi ngenhloso yakhe yokwenza kanjalo, uma umuntu obevunyelwa ukukhipha indle ngendlela yomgwaqo:

(a) Uyehluleka ukuqinisekisa ukuthi indle liyahambisana nezimiso ezinqunywe kuSheduli A, noma njengesimo sokuvunywa;
(b) Uyehluleka noma uyenqaba ukuhambisana nanoma yisiphi isaziso asinikiwe ngokwalemithetho kamasipala noma wephula noma yikuphi ukuhlinzekwa kwalemithetho kamasipala noma yimuphi umbandela abekelwe wona njengombandela wokwamukelwa; futhi
(c) Uyehluleka ukukhokha zonke izindleko ezisebenzayo lapho kuhanjiswa indle.

115. Imibandela Yokulethwa Kwendle Ngendlela Yomgwaqo

Lapho indle izolethwa ngendlela yomgwaqo: -

(a) Isikhathi nendawo lapho kuzodilivwa khona kuzohlelwa ngokubonisana nonjiniyela; futhi
(b) Unjiniyela kufanele aneliseke ngaphambi kokuba kwenzeke ukulethwa, ukuthi indle ingohlobo olulungele ukuhanjiswa emgwaqweni nokuthi ukulethwa kuzohambisana nemibandela, yalemithetho kamasipala.

116. Izitebele Nezindawo Ezifanayo

Umasipala angavuma ukuxhunywa kokufakwa kwepayipi lokuchitha amanzi ezitebeleni, ezibayeni zezinkomo, izindawo zobisi, izindlu zezinja, amanye amagceke okuhlala izilwane, nezindawo zokuthambisa izikhumba, kuye ngokukhokhwa kwazo zonke izindleko ezikhona kanye nokugcwaliseka

kwanoma yimuphi umbandela ongabekwa ngumasipala; kepha ukuvunywa kuzonikezwa kuphela uma: -

(a) iphansi laleyondawo lisindwe ngezinto zokwakha ezingangeneli uketshezi ezivunywa ngumasipala futhi zafakwa ogibeni lodaka noma umhosha onomthamo owanele; futhi

(b) yonke ingxenye yaphansi legceke imbozwe ngophahla, noma enye into evikelayo, ngendlela evimbela ngokwanele ukungena kwemvula noma amanzi esiphepho ekufakweni kwamapayipi okuchitha amanzi.

117. Ukulahlwa Kokudla Ngemishini noma Amanye Amayunithi Okulahla

Umasipala angavuma ukuxhunywa noma ukufakwa kokudla okuchithwa ngemishini, okulahlwayo kanye nanoma iyiphi iyunithi yokulahla noma umshini wokugaya udoti, lapho kufakwe amapayipi okuchitha khona onamandla angaphezu kuka-500W, ngokukhokhwa kwazo zonke izindleko ezikhokhwayo nanoma yimuphi umbandela umasipala angawufaka, kepha ukuvunywa kuzonikezwa kuphela uma:-

(a) Imitha yamanzi ifakwa ngumasipala;

(b) Unjiniyela wenelisekile ukuthi uhlelo lukamasipala lokukhucululwa kwendle kanye nokulashwa kwendle ngeke luphazamiseke kakhulu; futhi

(c) Ukufakwa noma ukuxhuma kwenziwa ngokuhambisana nemithetho kamasipala ephathelene nogesi.

118. Ukugunyazwa Komsebenzi Wokufaka

(1) Uma umnikazi efisa ukuthi kwenziwe umsebenzi wokufaka, kufanele aqale athole imvume ebhaliwe kamasipala.

(2) Isicelo semvume esishiwo esigatshaneni sokuqala (1) kufanele senziwe kwifomu elibekiwe futhi lizohambisana nalokhu:-

(a) Inkokhelo enqunywa ngumasipala, uma inkokhelo inqunyiwe; futhi

(b) amakhophi ayo yonke imidwebo engadingeka futhi ivunywe ngumasipala;

(c) Isitifiketi sikanjiniyela owuchwepheshe esiqinisekisa ukuthi ukufakwa kuklanywe ngokuhambisana nanoma yimaphi amakhodi e-SANS asebenzayo.

(3) Imvume enikezwe ngokwesigatshana sokuqala (1) izophela ngemuva kwezinyanga engama-24 (amashumi amabili nane).

(4) Uma ukugunyazwa sekukhishwe ngokwesigatshana sokuqala (1), isethi ephelele yemidwebo ebidingeka futhi yavunywa ngumasipala kufanele itholakale ukuze ihlolwe kuleyo ndawo ngazo zonke izikhathi ezifanele kuze kube umsebenzi usuphothuliwe.

(5) Uma umsebenzi wokufaka wenziwe ngokweqa isigatshana sokuqala (1) noma esesibili (2), umasipala angafuna umnikazi:-

(a) alungise ukwephulwa esikhathini esinqunyiwe;

(b) Uma umsebenzi uqhubeka, amise umsebenzi; futhi

(c) Asuse wonke umsebenzi ongahambisani nale mithetho kamasipala.

119. Abantu Abavunyelwe Ukwenza Ukufaka Noma Eminye Yemsebenzi

(1) Akekho umuntu ongeyena uplamba, noma osebenza ngaphansi kolawulo luka plamba, ozovunyelwa:-

(a) Ukwenza umsebenzi wokufaka ngaphandle kokuphindisela noma ukulungisa ipayipi elikhona noma indawo yokuhlanza indle;

(b) Ukuhlola, ukubulala amagciwane futhi ahlole ukufakwa kwamanzi, ukufakwa kwesicimamlilo noma ithangi lokulonda;

(c) Ukukhanda, ukulungisa noma ukubuyisela isivimbeli sokugeleza emuva;

(d) Ukufaka, ukunakekela noma ukushintsha imitha elinikezwe ngumnikazi ekufakweni kwamapayipi.

(2) Akekho umuntu oyodinga noma ahlanganyele nomuntu ongeyena uplamba noma ukwenza umsebenzi oshiwo esigatshaneni sokuqala (1).

(3) Ngale kokuhlinzeka kwezigatshana sokuqala (1) ne sesibili (2), umasipala angavumela umuntu, ongeyena uplamba, ukuthi enze umsebenzi wokufaka endaweni yakhe uma kuhlala yena noma abendlu yakhe, kepha uma imvume inikezwa, umsebenzi kufanele uhlolwe futhi uvunywe nguplamba ngaphansi kwesiqondisa noma okhethwe ngunjiniyela.

120. Ukusetshenziswa Kwamapayipi Nokufakwa Kwamanzi Kufanele Kugunyazwe

(1) Akekho umuntu oyofaka noma asebenzise ipayipi noma ukufaka amanzi ngaphandle kokuthola igunya lonjiniyela ngaphambi kwalapho kufakwa kwamanzi ngaphakathi kwendawo yolawulo lukamasipala ngaphandle kokuthi ifakwe ku Schedule of Approved Pipes and Fittings okuhlanganiswe ngumasipala.

(2) Isicelo sokufakwa kwepayipi noma okufaka amanzi kuSheduli okukhulunywe ngalo esigatshaneni sokuqala (1), kufanele senziwe kwifomu elibekwe ngumasipala.

(3) Ipayipi noma okokufaka amanzi kungafakwa kuSheduli okukhulunywe ngayo esigatshaneni sokuqala (1) uma:-

(a) Iiphethe uphawu lwezimiso lweSouth African Bureau of Standards maqondana nezidingo ezifanele ze-SANS ezikhishwe yi-Bureau:-

(b) Inophawu lwesitifiketi olukhishwe yi-SANS ukuqinisekisa ukuthi ipayipi noma ukufaka amanzi-

(i) Ihambisana noMaki wezidingo ze-SANS; noma

(ii) Izidingo zesikhashana ezikhishwe yi-SANS.

(c) Lifakiwe ohlwini lwamanzi nokufakwa kwendle okwamukelwa yiJASWIC.

(d) Awekho amamaki ezitifiketi okufanele abe ngaphezu kweminyaka emibili.

(4) Umasipala angafaka noma yimuphi omunye umbandela abona ukuthi udingekile maqondana nokusetshenziswa, noma indlela yokufaka, kwanoma yiliphi ipayipi noma ukufakwa kwamanzi okufakwe kuSheduli.

(5) Ipayipi noma indawo yokuhlanza indle kumele lisuswe kuSheduli uma:-

(a) Alisahambisani nemibandela okususelwe kuyo ukufakwa kwayo; noma

(b) Ayisayifanele inhloso yayo eyamukelelwa yona.

(6) ISheduli ekhona manje kufanele itholakale ukuze ihlolwe ehhovisi likamasipala nganoma yisiphi isikhathi ngezikhathi zokusebenza.

(7) Umasipala angathengisa amakhophi eSheduli esebenzayo njengamanje ngokukhokhiswa okunqunywe nguye.

121. Ukuhlolwa Kokufakwa Kwendawo Yokuchitha Amanzi

(1) Akukho ukufakwa kwamapayipi amanzi, noma enye ingxenye eyodwa, ezoxhunyaniswa ezinsizakalweni zokukhucululwa kwendle esendaweni futhi uhlelo lohlelo lokukhucululwa kwendle lukamasipala olungaxhunywa kokufakwa okukhona okuvunyiwe, ngaphandle uma kusetshenziswe okukodwa noma okunye kwalokhu kuhlola okulandelayo, ekhona noma ngokweneliseka kukanjiniyela, ngaphambi kokuvalwa kokufakwa kwendawo yokuchitha amanzi: -

(a) Ingaphakathi lawo wonke amapayipi noma uchungechunge lwamapayipi phakathi kwezindawo ezimbili zokufinyelela azohlolwa bonke ubude bawo ngesibuko nomthombo wokukhanya, futhi ngesikhathi sokuhlola, kufanele kubonakale umbuthano wokukhanya ogcwele kumhloli, nepayipi noma uchungechunge lwamapayipi kufanele lubonakale lungavinjelwe;

(b) Ibhola elibushelelezi elinesibalo sokuzungeza esingaphansi kuka-12mm okuyisibalo esiqokiwe sepayipi, lapho lifakwa ekugcineni okuphakeme kwepayipi, ligingqikele phansi endaweni engezansi ngaphandle kosizo noma ukuphazamiseka;

(c) Ngemuva kwakho konke ukuvuleka kwepayipi noma kochungechunge lwamapayipi ehlolwe, ngemuva kokuxhunywa noma kokuvalwa futhi ngemuva kokuthi yonke imigibe ehambisana nawo egcwaliswe ngamanzi, umoya uzofakwa epayipini noma emapayipini kuze kube namandla engcindezi (monometric pressure) engu-38mm wamanzi iyakhonjiswa, ngemuva kwalokho ingcindezi kufanele ihlale ingaphezulu kwama-25mm wamanzi isikhathi okungenani esiyimizuzu emithathu (3) ngaphandle kokuqhubeka nokufutha; futhi

(d) Zonke izingxenye zokufaka zifakwa ngaphansi futhi ziyadingeka ukumelana nengcindezi yokuhlola ngomfutho omuketshezi (hydraulic test pressure) engekho ngaphansi kwekhanda lamanzi (headwater) elingu-3m isikhathi esingengaphansi kwemizuzu eyi shumi (10).

(2) Uma umasipala enesizathu sokukholelwa ukuthi noma yikuphi ukufakwa kwamapayipi okuhambisa amanzi noma enye ingxenye yawo konakele, angadinga ukuthi umnikazi wanoma iyiphi indawo enze noma yiziphi noma zonke izivivinyo ezibekwe esigatshaneni sokuqala (1) futhi, uma lokho kufakwa kwehluleka ukuphumelela kunoma yiluphi uvivinyo, noma zonke izivivinyo, ngokugculiseka kukamasipala, umasipala angafuna ngokwazisa umnikazi ukuthi athathe zonke izinyathelo ezifanele ezingadingeka ukuvumela ukufakwa ukuthi kwanelise noma yiziphi noma zonke izivivinyo.

122. Ukuphathwa Kwezimfuno zamanzi

(1) ngaphandle kokuhlinzekwa ezigabani 92 no 113, azikho izinawo zokuchama ezishaywayo (flush) ezingafakwa ezinganazo zonke izidingo zokuthi zisetshenziswe noma ziqhubeke ukusetshenziswa kunoma yikuphi ukufakwa kwamanzi. Zonke izindawo zemichamo ezishayekayo ezinganazo zonke izidingo zokuthi zisetshenziswe ngaphambi kokuqala kwalemithetho kamasipala kufanele ziguqulwe zibe nazozonke izidingo zokusetshenziswa kungakapheli iminyaka emibili kuqale lemithetho kamasipala.

(2) Asikho isigubhu sokulonda amanzi, nepani elenzelwe ukusebenza ngaleso sigubhu, esizofakwa sinomthamo wamanzi ongaphezu kwamalitha ayi-9 futhi zonke izigubhu zokulonda amanzi ezingahloselwe ukusetshenziswa ngumphakathi zizofakwa okokushaya okuvumela ukushaya okungaphazanyiswa noma okuningi, inqobo nje uma kungeke kwadingeka ezigujini ezinomthamo wamalitha angama-4,5 noma ngaphansi.

ISAHLUKO 8: IMISEBENZI YAMANZI ENGAGUNYAZIWE

123. izinhlinzeko Ezingagunyaziwe

(1) Akekho umuntu ongathola ukufinyelela elohlinzeko lwamanzi ngaphandle uma kungokwesivumelwano esenziwe nomasipala sokuhambisana nalezo zinhlinzeko.

(2) Umasipala, kungakhathalekile ukuthi yiziphi ezinye izinyathelo angazithathela lowo muntu ngokwalemithetho kamasipala, ngokubhaliwe ayale umuntu osebenzisa uhlinzeko olungagunyaziwe ukwenza lokhu: -

(a) ukufaka isicelo lohlinzeko olunjalo ngokwesigaba sika2 no-3, futhi

(b) ukwenza lowo msebenzi, njengoba kungadingeka ukuqinisekisa ukuthi ukufakwa okwenziwa umthengi lapho kutholakala khona ukufinyelela kuthobela imibandela yalemthetho kamasipala noma eminye imithetho efanele.

(3) Umuntu othola ukufinyelela kuhlenzeko lwamanzi ngenye indlela ngaphandle kwesivumelwano esenziwe nomasipala lokuhambisa lelo hlinzeko uyoba nesibopho sokukhokhela noma yiziphi izinhlizeko okungenzeka ukuthi usebenze ngazo noma uzisebenzisile ngokwephula lemiimithetho kamasipala, noma ngabe yiziphi ezinye izinyathelo ezingathathelwa isenzo esinjalo. Okudliwe nokusetshenzisiwe kuzolinganiswa ngokuthathela kokusetshenziswa okujwayelekile kohlinzeko ezindaweni ezithize lapho kwenziwe khona ukuxhumana okungagunyaziwe.

124. Ukuphazanyiswa Kwengqalasizinda Yokuhlinzekwa Zamanzi

(1) Akekho omunye umuntu ngaphandle kukamasipala ozophatha, asebenze noma anakekele ingqalasizinda okuhlinzekwa ngayo uhlinzeko ngamanzi.

(2) Akekho omunye umuntu ngaphandle kukamasipala ozokwenza ukuxhuma nengqalasizinda okuhlinzekwa ngayo ngamanzi.

(3) Umasipala angabuyisa noma yiziphi izindleko ezihlobene nokulungisa umonakalo odaleke ngenxa yokwephula izigatshana sokuqala (1) ne sesibili (2). izindleko ezingabuyiswa ngumasipala izindleko ezigcwele ezihambisana nokulungisa umonakalo futhi kufaka phakathi, kepha akukhawulelwe, kunoma yiluphi uphenyo lokuhlola, izinhlolovo, izinhlelo, imibandela, amashejuli obuningi, ukugadwa, izindleko zokusingatha, ukusetshenziswa kwamathuluzi, izindleko zabasebenzi ezibandakanyeka ekuphazamiseni noma ekuvuseleleni kwanoma iyiphi ingxenye yomgwaqo noma umhlaba othinekile ngokulungiswa nezindleko zemvelo.

(4) Uma umuntu ephula isigatshana sokuqala (1), umasipala angenza lokhu: -

(a) ngesaziso esibhaliwe edinga ukuthi umuntu ayeke noma alungise umonakalo, ushintsho noma ukuphazamiseka ngezindleko zakhe esikhathini esinqunyiwe; noma

(b) uma kunombono wokuthi isimo siwudaba oluphuthumayo, ngaphandle kwesaziso sangaphambili avimbele noma alungise ushintsho, umonakalo noma ukuphazamiseka futhi abuyise kuye izindleko zokwenza lokho.

125. Ukuvinjelwa Kokutholakala Kwengqalasizinda Sokuhlinzekwa Kwamanzi

(1) Akekho umuntu oyovimba noma abeke umkhawulo wokungena ngqo kukamasipala kungqalasizinda lapho kuhlinzekwa khona ngamanzi.

(2) Uma umuntu ephula isigatshana sokuqala (1), umasipala angenza lokhu okulandelayo: -

(a) Ngesaziso esibhaliwe adinge ukuthi lowo muntu abuyisele ukufinyelela ngezindleko zakhe esikhathini esibekiwe; noma

(b) Uma kunombono wokuthi isimo siwudaba oluphuthumayo, ngaphandle kwesaziso sangaphambilini abuyisela ukufinyelela futhi athathe izindleko kulowo muntu.

(3) Izindleko ezingabuyiswa ngumasipala izindleko ezigcwele ezihambisana nokubuyiselwa kokufinyelela futhi okubandakanya, kepha akukhawulelwe, noma yiluphi uphenyo lokuhlola, izinhlolovo, izinhlelo, imibandela, amashejuli wobuningi, ukugadwa, izindleko zokusingatha, ukusetshenziswa kwamathuluzi, izindleko zokusetshenziswa kwabasebenzi abasetshenziswayo lapho kuphazamiseke noma ekuvuselelweni noma iyiphi ingxenye yomgwaqo noma inhlabathi ethintekile ngokubuyisela ukufinyelela nezindleko zemvelo.

126. Ukuxhuma kabusha okungekho emthethweni

(1) ikhasimende elivinjelwa ukufinyelela ezinkonzweni zamanzi noma kunqanyuliwe, okuthi, ngaphandle kwalapho kuhlinzekelwe kulemithetho kamasipala, abuyisele noma axhume kabusha lezo zinsiza noma ophazamisa ngenhloso noma ngokunganaki ingqalasizinda lapho kunikezwa khona uhlinzeko zamanzi, uzonqanyulelwa, ngemuva kokuba enikezwe isaziso esibhaliwe esifanelekile.

(2) Umuntu oxhuma kabusha ezinkonzweni zamanzi ezimweni okukhulunywe ngazo esigatshaneni (1) uzobophezeleka ngokukhokhela noma yimiphi imisebenzi okungenzeka ukuthi wayisebenzisa ngokwephula lemithetho kamasipala, ngaphandle kwanoma yisiphi esinye isenzo esingathathelwa yena.

(3) Ukusetshenziswa kuzolinganiswa ngokuthathela kokusetshenziswa okumaphakathi kwezinkonzo endaweni ethize lapho ukuxhumana kabusha okungekho emthethweni kwenziwe khona.

127. Ukusingathwa Kwamanzi

(1) Alikho ikhasimende elizovumela: -

(a) ukukhishwa kwamanzi okungenanjongo noma okucekela phansi okugcina ukufakwa kwamanzi;

(b) Amapayipi noma ukufakwa kwamanzi kuvuze;

(c) Ukusetshenziswa kwesilinganisi samanzi esingalungisiwe noma esingalungile; noma

(d) Ukuchichima kwamanzi kuphikele.

(2) Umnikazi noma umhlali uzolungisa noma abuyisele noma iyiphi ingxenye yokufakwa kwamanzi nokukhucululwa kwendle kwakhe okusesimweni esibi kangangokuthi kungadala noma kungenzeka kubange isehlakalo esibalwe esigatshana sokuqala (1).

(3) Uma umnikazi kanye noma umhlali ehluleka ukuthatha izinyathelo njengoba kuhlongozwe esigatshaneni sesibili (2), umasipala, ngesaziso esibhaliwe, uzodinga ukuthi umnikazi ahambisane nezinhlinzeko zesigatshana sokuqala (1).

(4) umasipala, ngesaziso esibhaliwe, angavimbela umthengi ukusebenzisa noma iyiphi into ekufakweni kwamanzi noma kwendle uma, ngokubona kwakhe, ukusetshenziswa kwayo emanzini akusebenzi kahle. Leyomishini ngeke ibuyiselwe ukukuba usetshenziswe kuze ibuyiselwe esimweni sokusebenza kahle futhi nesicelo esibhaliwe sokwamukelwa sivunywe umasipala.

128. Ukukhishwa okungagunyaziwe futhi okungekho emthethweni

(1) Akekho umuntu ongakhipha noma abangele noma avumele noma yikuphi ukuthuthwa kwendle ukuthi kuthululwe ngqo noma ngokungaqondile endaweni edonsa amanzi esiphepho, emfuleni, emfudlaneni noma komunye umzila wamanzi, kungaba owemvelo noma owenziwe.

(2) Umnikazi noma umhlali wanoma iyiphi indawo lapho kugcinwa khona umusi noma yiluphi uketshezi ngaphandle kwamanzi aphathekayo, acutshunguliwe noma akhiqizwe uyohlinzeka zonke izakhiwo ezidingekayo ukuvimbela noma yikuphi ukulahla noma ukuvuza kwalolo ketshezi kunoma yimuphi umgwaqo, ipayipi lamanzi esiphepho noma umzila wamanzi, kungaba owemvelo noma owenziwe, ngaphandle kwalapho, esimweni somusi, umasipala uvumele lokho kukhishwa.

(3) Lapho ukufakwa kwepayipi noma ukugeleza kwamanzi emvula endaweni evulekile kunoma iyiphi indawo, ngokombono kamasipala kungenzeka kubangele ukukhishwa kokungafanele kunoma yimuphi umgwaqo, umsele wamanzi, amanzi esiphepho, umfula, umfudlana noma omunye umzila wamanzi, kungaba owemvelo noma owenziwe , noma kubangela noma kufaka isandla ekungcolisweni kwanoma imuphi umsele onjalo wamanzi, umasipala, ngesaziso, angafuna umnikazi wendawo ukuba athathe izinyathelo ezifanele zokuvimbela noma ukunciphisa lokho kukhishwa noma ukungcoliswa.

(4) Akekho umuntu ongakhipha noma abangele noma avumele ukukhishwa :-

(a) Noma iyiphi into, kubandakanya amanzi esiphepho, ngaphandle kwendle, ikhishelwe endaweni yokuhambisa amanzi;

(b) Kwamanzi avela kunoma yiliphi ichibi lokubhukuda ngqo noma ngokungaqondile kunoma yimuphi umgwaqo noma emseleni, ipayipi lamanzi esiphepho, umsele wamanzi, indawo evulekile noma indawo yomuntu ngaphandle kwendawo yomnikazi waleyo ndawo yokubhukuda;

(c) Amanzi avela emithonjeni yokufakelwa, amadamu noma amachibi okubhukuda atholakala emagcekeni angena ekufakeni kwamapayipi, ngaphandle kwemvume kamasipala futhi kukhokhwe izindleko ezikhokhiswayo kanye nemibandela umasipala angayibeka.

(d) Noma yisiphi iistamkoko, amanzi angcolile ezimboni noma olunye uketshezi noma okuthile:-

(i) ngokombono kanjiniyela ingahle icasule noma idale uhlupho emphakathini;

(ii) Isesimweni somusi noma umhwamuko noma inezinga lokushisa elingaphezu kwamashumi amane nane (44°C) lapho lingena khona esitamkokweni;

(iii) inenani le-pH elingaphansi kuka-6.0;

(iv) Kuqukethe noma yini yanoma yaluphi uhlobo olungakhiqiza noma ludedele iziqhumane, okuvuthayo, okunobuthi noma amagesi angathandeki noma umusi kunoma iyiphi indle;

(v) Kuqukethe noma iyiphi into engabangela ukudaleka komlilo (flashpoint) evulekile engaphansi kwamashumi ayisishiyagalolunye nantathu (93°C) amazinga okushisa noma ekhipha umusi onoshevu ezingeni lokushisa elingaphansi kwamamashumi ayisishiyagalolunye nantathu (93°C) wamazinga okushisa;

(vi) Kuqukethe noma yini yanoma yiluphi uhlobo, kufaka phakathi uwoyela, igrisi, amafutha noma okokuhlanza okungakwazi ukuvimba ukugeleza kwendle noma amapayipi noma ukuphazamisa ukusebenza okufanele kwemisebenzi yokuhlanzwa kwendle;

(vii) Kubonisa noma yiziphi izimpawu ezibonakalayo zetiyela noma imikhiqizo ehambisanayo noma ezihlungayo, ibutumen (bitumen’s) noma i-asphalt;

(viii) iqukethe noma iyiphi into enokugxila okunjalo okungakhiqiza ukunambitheka okungathandeki ngemuva kokusebenzisa igesi yeklorini (chlorination) noma iphunga elingathandeki noma umbala, noma igwebu eleqile;

(ix) inenani elikhulu le-PV noma le-COD (Chemical Oxygen Demand), inani esiphansi le-pH, noma i-alkalinity ephakeme kakhulu noma ukuqhutshwa kukagesi kunalokho okuchazwe kuSheduli A,

ngaphandle kwemvume yangaphambilini futhi kuncike ekukhokhweni kwezindleko ezifanele kanye nemibandela ephoqayo efakwe umasipala;

(x) Kuqukethe noma iyiphi into ngombono kanjiniyela:-

(aa) ayinakulashwa ngokuhlanzwa kwendle lapho ingadedelwa khona; noma

(bb) kuzothinta kabi izinqubo zokwelashwa emsebenzini wokuhlanzwa kwendle lapho ungadedelwa khona; noma

(cc) kuzoba nomthelela omubi ekhonweni lomsebenzi wokuhlanzwa kwendle wokukhiqiza ukukhipha okuhlangabezana nezimiso zokukhishwa kwamanzi angcolile ezibekwe ngokoMthetho Kazwelonke Wamanzi, 1998 (uMthetho No. 36 ka-1998), noma

(xi) Kungaba yodwa noma kuhlanganiswe nenye into: -

(aa) kungakhiqiza noma kwenza into enobuthi eyingozi empilweni yabantu abaqashwe emisebenzini yokuhlanza indle noma abangena kwindle esezindaweni zomkhandlu noma emigodini ngesikhathi benza umsebenzi wabo; noma

(bb) ibe yingozi kumapayipi endle, indawo yokulapha noma umhlaba osetshenziselwa ukulahla amanzi angcolile; noma

(cc) lokho okuthinta kabi noma izinqubo lapho indle iphathwa ngayo noma ukusetshenziswa futhi kwanoma yikuphi ukungcola kwendle.

(5) Akekho umuntu oyodala noma avumele ukunqwabelana kwegrisi, uwoyela, amafutha noma okuhlonzile kunoma yikuphi ukufakwa kwamapayipi okuzophazamisa ukusebenza kwawo ngempumelelo.

(6) umasipala, noma ngabe yiziphi ezinye izinyathelo ezingathathwa ngokwalemithetho kamasipala, angabuyisa kunoma yimuphi umuntu osebenzisa ukungcola kwezimboni noma iyiphi into engagunyaziwe noma

engekho emthethweni zonke izindleko ezenzidalekile, ngumasipala ngenxa yalokho kukhishwa, kufaka phakathi izindleko ezibangelwa:-

(a) Ukulimala kwabantu, ukonakala kohlelo lokuthuthwa kwendle; noma

(b) Ukushushiswa ngokoMthetho Kazwelonke Wamanzi, 1998 (uMthetho Nombolo 36 ka-1998).

129. Ukuxhuma kabusha ngokungemthetho

Ikhasimende elivinjelwe ukufinyelela emanzini ahlinzekiwe, noma onqanyulelwe izinsiza zamanzi, oxhuma izinsiza zamanzi ngenhloso yokusizakala noma ngubani owenza ngenhloso, noma, aphazamise ngobudedengu, ingqalasizinda lapho kuhlinzekwa khona ngezinsizakalo zokuhlinzekwa kwamanzi, uyonqanyulelwa ngesaziso esibhaliwe.

130. Amapayipi Asemigwaqweni Noma Ezindaweni Zomphakathi

Akekho umuntu okuzothi ngenhloso yokudlulisa amanzi noma indle etholakala kunoma yimuphi umthombo, abeke noma akhe ipayipi noma into ehambisana nayo, ngaphakathi noma ngaphansi komgwaqo, indawo yomphakathi noma omunye umhlaba ophethwe noma ongaphansi kwanoma yimuphi umasipala, ngaphandle kwemvume ebhalwe ngaphambilini kamasipala futhi ngokuya ngemibandela angayibeka.

131. Ukusetshenziswa Kwamanzi Okuvela Emithonjeni Ngaphandle Konhlelo Lokuphakelwa Kwamanzi

(1) Akekho umuntu oyosebenzisa noma avumele ukusetshenziswa kwamanzi atholwe komunye umthombo ngaphandle kohlelo lokuphakelwa kwamanzi, ngaphandle kwamathangi amanzi emvula angaxhunywanga ekufakweni kwamanzi, ngaphandle kokuthola imvume yangaphambilini kanjiniyela, nangokuhambisana nemibandela enjalo njengoba ingaphoqwa, ngenhloso yasekhaya, yezohwebo noma yezimboni.

(2) Noma yimuphi umuntu odinga imvume yokukhulunywe ngako esigatshaneni sokuqala (1) uzonikeza unjiniyela ubufakazi obenelisayo bokuthi amanzi okukhulunywe ngawo esigatshaneni sokuqala (1) ahambisana, noma ngabe kungenxa yokwelashwa noma ngenye indlela, nezidingo ze-SANS 241: Amanzi okuphuza, noma ukuthi ukusetshenziswa kwalawo manzi akubanga noma ngeke kube yingozi empilweni.

(3) Noma iyiphi imvume enikezwe ngokwesigatshana sokuqala (1) ingahoxiswa uma, ngokombono wonjiniyela: -

(a) Umbandela obekiwe ngokwesigatshana sokuqala (1) wephuliwe; noma

(b) Izingaqophelo lamanzi alisahambisani nezidingo okukhulunywe ngazo esigatshaneni sesibili (2).

(4) Unjiniyela angathatha amasampula amanzi atholiwe emthonjeni, ngaphandle kohlelo lokuphakelwa kwamanzi futhi abangele ukuthi amasampuli ahlolelwe ukuhambisana nezidingo okukhulunywe ngazo esigatshaneni sesibili (2).

(5) imali enqunyiwe yokuthatha nokuhlola amasampula okukhulunywe ngawo esigatshaneni sesine (4) ngenhla izokhokhwa ngumuntu onikezwe imvume ngokwesigatshana sokuqala (1).

(6) Uma amanzi atholwe epitsini noma komunye umthombo wamanzi kunoma iyiphi indawo esetshenziselwe ngenjongo yokukhiphela lawo manzi noma ingxenye yawo ohlelweni lokuthuthwa kwendle lukamasipala, umasipala angafaka imitha epayipini eliqhamuka kuleyopitsi wokubhola noma omunye umthombo wokuhlinzeka uze ufike endaweni lapho esetshenziswa khona.

(7) Izinhlinzeko zesigaba seshumi nesishiyagalolunye (19) zizosebenza ngokungasebenza maqondana nemitha okukhulunywa ngayo esigatshaneni sesithupha (6).

132. Ukusetshenziswa kohlinzeko Zokukhucululwa Kwendle Ezisendaweni Okungaxhunyiwe Uhlelo Lokuthuthwa Kwendle

(1) Akekho umuntu oyosebenzisa noma avumele ukusetshenziswa kohlinzeko lokukhucululwa kwendle endaweni engaxhunyiwe nohlelo lukamasipala lokuthuthwa kwendle ngaphandle kokuthola imvume kanjiniyela ngaphambilini, nangokuhambisana nemibandela engabekwa, ngenhloso yasekhaya, yezohwebo noma yezimboni.

(2) Noma yimuphi umuntu ofisa imvume okukhulunywe ngayo esigatshaneni sokuqala (1) uyonikeza unjiniyela ubufakazi obugculisayo ukuthi indawo yokukhucululwa kwendle ayinamthelela omubi empilwenii noma kwimvelo.

(3) Noma iyiphi imvume enikezwe ngokwesigatshana sokuqala (1) ingahoxiswa uma, ngokombono kanjiniyela: -

(a) Umbandela obekwe ngokwesigatshana sokuqala (1) wephuliwe; noma

(b) Indawo yokukhucululwa kwendle inomthelela omubi kwezempilo noma kwimvelo.

(4) Unjiniyela angenza uphenyo, njengoba engabona kunesidingo ukuthi anqume, uma ngabe indawo yokukhucululwa kwendle inomthelela omubi kwezempilo noma kwimvelo.

(5) Umuntu onikezwe imvume ngokwesigatshana sokuqala (1) uzobhekana nezindleko ezihambisana nophenyo olwenziwe ngokwesigatshana sesibili (2) uma imiphumela yophenyo ikhombisa ukuthi indawo yokukhucululwa kwendle inomthelela omubi kwezempilo noma kwimvelo.

ISAHLUKO 9: IZAZISO

133. Amandla Okunikeza Izaziso Nokuhambisana Nazo

(1) umasipala, ngesaziso esibhaliwe, angayalela umnikazi, ikhasimende noma omunye umuntu ohlulekayo, ngokwenza noma ngokungenzi, ukuhambisana nezinhlinzeko zalemithetho kamasipala, noma ukufeza noma yimuphi umbandela obekwe nguye, ukulungisa ukwehluleka kwakhe maphakathi nesikhathi esibikiwe esazisweni, okuyisikhathi esingeke sibe ngaphansi kwezinsuku ezingamashumi amathathu ngaphandle kwalapho kukhishwa isaziso ngokwemigomo yesigaba seshumi nambili (18), lapho isikhathi singeke sibe ngaphansi kwezinsuku eziyisikhombisa.

(2) Uma umuntu ehluleka ukuhambisana nesaziso esibhaliwe, asinikezwa ngumasipala, ngokwalemithetho kamasipala esikhathini esibekiwe, umasipala angathatha izinyathelo ngokombono wakhe, ukuqinisekisa ukuthobela, kufaka phakathi lokhu okulandelayo: -

(a) Ukwenza umsebenzi onesidingo ngokwakhe kanye nokubuyisa izindleko zaleso senzo noma umsebenzi kulowo mnikazi, ikhasimende noma omunye umuntu;

(b) Ukwenza umkhawulo noma ukumisa ukunikezwa kwezinsizakalo; futhi

(c) Ukufaka izinyathelo zomthetho.

(3) Isaziso ngokwesigatshana sokuqala (1) kufanele—

(a) Sinikeze imininingwane yanoma yikuphi ukuhlinzekwa kwemithetho kamasipala engalandelwanga;

(b) Sinikeza umnikazi, ikhasimende noma omunye umuntu ithuba elifanele lokwenza izethulo nokubeka udaba lwakhe, ngokubhala, kumasipala esikhathini esibekiwe, ngaphandle kokuthi umnikazi, ikhasimende noma omunye umuntu ubenikiwe lelo thuba ngaphambi kokuba kukhishwe isaziso.

(c) Sicacise izinyathelo okumele zithathwe ngumnikazi, ikhasimende noma omunye umuntu ukulungisa ukwehluleka ukuthobela;

(d) Sicacise isikhathi lapho umnikazi, ikhasimende noma omunye umuntu kufanele athathe izinyathelo ezichaziwe ukulungisa lokho kwehluleka kwakhe; futhi

(e) Kufane sikhombise ukuthi umasipala: -

(i) Angenza noma yimuphi umsebenzi odingekayo ukulungisa ukwehluleka ukuhambisana nesaziso futhi izindleko zikamasipala zokulungisa lelophutha kufanele zibuyiswe ngumnikazi, ikhasimende noma omunye umuntu ohlulekile ukuhambisana nakho; futhi

(ii) Angathatha noma yisiphi esinye isenzo asibona sidingeka ukuqinisekisa ukuhambisana nemithetho,

(4) Uma kuba nesimo esiphuthumayo umasipala, ngaphandle kokunikeza isaziso ngaphambi kwesikhathi kunoma ubai, angenza umsebenzi odingwa yisigatshana sika (3) (e) (i) futhi afune izindleko kumuntu, kodwa ngenxa yesimo esiphuthumayo, bekufanele aziswe ngokwesigatshana sokuqala (1).

(5) Izindleko ezitholwa ngumasipala ngokwesigatshana sesithathu (3) nesesine (4), yizindleko ezigcwele ezihambisana nalowo msebenzi futhi zifaka, kodwa akuvinjiwe, kunoma yiluphi uphenyo lokuhlola, izinhlolovo, amapulani, izimfuno, amashejuli wobuningi, ukugadwa, izindleko zokusingatha, ukusetshenziswa kwamathuluzi, izindleko zokusebenzisa abasebenzi, ezingenayo ekuphazamiseni noma ekuvuseleleni noma iyiphi ingxenye yomgwaqo noma inhlabathi ethintwe umsebenzi nezindleko zemvelo.

ISAHLUKO 10: IZIKHALAZO

134. Izikhalazo Ngezinqumo ZikaMasipala

(1) ikhasimende lingafaka isikhalazo ngokubhala aphikisane nesinqumo, noma isaziso esikhishwe umasipala ngokwalemithetho kamasipala.

(2) Isikhalazo ngokwesigatshana sokuqala (1) kufanele senziwe ngokubhaliwe futhi sifakwe kumasipala zingakapheli izinsuku eziyi-14 (eziyishumi nane) ngemuva kokuthi ikhasimede lazile ngesinqumo noma ngesaziso, futhi kufanele:-

(a) Sibeka izizathu zokukhalaza;

(b) Siphelezelwe yinoma yikuphi ukuphepha okunqunywe ngumasipala ukuhlola ithuluzi lokulinganisa, uma-lihlolwe

(3) Isikhalazo kufanele sinqunywe ngumasipala zingakapheli izinsuku ezingamashumi amathathu (30) kufakwe isikhalazo, futhi ikhasimende kumele laziswe ngomphumela ngokubhalwe phansi, ngokushesha emva kwalokho.

(4) Isinqumo sikamasipala singujuqu.

(5) Umasipala angavumela ukufakwa kwezikhalazo sekwedlule isikhathi noma uma kube nezinto ezingahambisananga nezinqubo.

ISAHLUKO 11: AMACALA

135. Amacala

(1) Kuncike esigatshaneni sesibili (2), ukuthi noma yimuphi umuntu:-

(a) Ovimbela noma ophazamisa umasipala ekusebenziseni amandla noma ekwenzeni imisebenzi ngaphansi kwalemithetho kamasipala;

(b) Usebenzisa, athikameze noma aphazamise impahla kamasipala, uhlelo lokuphakelwa kwamanzi, uhlelo lokuthuthwa kwendle kanye nesizinda sokuphakela amanzi noma nokusetshenziswa kwezinsizakalo ezinikeziwe;

(c) Uphula noma wehluleka ukuhambisana nokuhlinzekwa kwalemithetho kamasipala ngaphandle kwenhlinzeko ephathelene nokukhokhwa kohlinzeko lwamanzi

(d) Wehluleke ukuhambisana nemibandela yesaziso asinikiwe ngokwalemithetho kamasipala;

unecala lokwephula umthetho futhi uma etholwa enecala uzokhokha inhlawulo, noma uma ehluleka ukukhokha imali, aye ejele isikhathi esingeqile ezinyangeni eziyisithupha (6) futhi uma kwenzeka eqhubeka nokwenza icala, akhokhe enye inhlawulo engeqi ezinkulungwane ezinhlanu zamarandi (R5000) zabathengi basekhaya kanye nezinkulungwane ezingamakhulu amahlanu (R 500 000) zabathengi bezimboni noma uma ehluleka ukukhokha, uyoboshwa kungadluli usuku olulodwa usuku ngalunye ngenkathi eqhubeka nalokokona, ngemuva kokukhishwa kwesaziso esibhaliwe ngumasipala futhi sanikezwa lowo muntu othintekayo okudingeka ukuba aliyeke lelo cala.

(2) Akekho umuntu ozojeziswa ngokuya ejele uma engakwazi ukukhokha inhlawulo, futhi esikhundleni salokho uzobophezeleka enkathini yokusebenzela umphakathi.

(3) Noma yimuphi umuntu owephula okuhlinzekwe yilemithetho kamasipala uzobophezeleka ukukhokhela umasipala nganoma yikuphi ukulahlekelwa noma ukulimala okutholwe noma kwenzeka ngenxa yokwephula lemithetho.

ISAHLUKO 12: IMIBHALO

147 Ukusayinwa Kwezaziso Nemibhalo

Isaziso noma imibhalo ekhishiwe umasipala ngokwalemithetho kamasipala futhi yasayinwa yilungu labasebenzi bakamasipala uzothathwa ngokuthi ukhishwe ngokufanele futhi kumele ngesikhathi sokuvezwa kwayo yamukelwe yinkantolo njengobufakazi bokuqala balokho.

136. Ukuhlinzekwa Kwezaziso

(1) Noma isiphi isaziso, isinqumo noma omunye umqulu onikezwa noma yimuphi umuntu ngokwalemithetho kamasipala, kufanele, ngokuya ngezinhlinzeko zoMthetho we-Criminal Procedure Act 1977 (Act 51 of 1977), sinikezwe siqu kuloyomuntu, ukwehluleka lapho kungathathwa njengokuhlinzekwe ngokufanele uma:-

(a) Lapho ishiywe esigodini somuntu, lapho ahlala khona, noma ebhizinisini noma emsebenzini eRiphabhulikhi, nomuntu obonakala engaphezu kweminyaka eyishumi nesithupha;

(b) Lapho ithunyelwe ngeposi elibhalisiwe noma eliqinisekisiwe ekhelini lomuntu lokuhlala lokugcina elaziwayo noma ekhelini lebhizinisi eRiphabhliki futhi kutholwa ukuvuma kokuthunyelwa kwalo kusuka kwinsizakalo yeposi;

(c) Uma ikheli lomuntu lingaziwa eRiphabhliki, uma ithunyelwe kumenzeli walowo muntu noma omele yena eRiphabhliki ngendlela ebekiwe kuzigatshana (a), (b) noma (d); noma

(d) Uma kungaziwa ikheli lalowo muntu kanye nomenzeli wakhe noma omelet yena eRiphabhliki, lapho ibekwe endaweni ebonakalayo esakhiweni noma emagcekeni, uma kukhona, okuphathelene nakho.

(2) Noma iyiphi inqubo yezomthetho ilethwwa ngempumelelo nangokwanele kumasipala lapho ilethwa kumphathi kamasipala (municipal manager) noma kumuntu okhona ehhovisi lemenenja kamasipala.

(3) Lapho noma yisiphi isaziso noma omunye umbhalo kufanele ugunyazwe noma unikezwe umnikazi, umhlali wanoma iyiphi impahla, noma omunye umuntu ophethe igunya, noma maqondana nalo, kobe kwanele uma lowo muntu echazwa esazisweni noma komunye umbhalo njengomnikazi, umhlali noma umnikazi welungelo phezu noma ngokuphathelene nempahla, futhi ngeke kudingeke ukuthi aqagulwe ngegama.

(4) Lapho ukuhambisana nesaziso phakathi kwesikhathi sezinsuku zokusebenza ezithile, isikhathi esidingekayo sizoqala ngosuku lapho isaziso sinikezelwe khona noma lapho sinikezwe okokuqala noma sinikwiwe ngenye indlela ehlongozwe kulemithetho kamasipala.

137. Ukuqinisekiswa Kwemibhalo

(1) Yonke imiyalo, isaziso noma eminye imibhalo edinga ukuqinisekiswa ngumasipala izofakazelwa ngokwanele, uma isayinwe ngumphathi kamasipala, yisiphathimandla esigunyazwe ngokufanele sikamasipala noma umenzeli woMphathi ogunyaziwe kamasipala.

(2) Igunya lokugunyaza, njengoba kuhlongozwe esigatshaneni sokuqala (1) kumele linikezwe ngesinqumo sikamasipala, ngesivumelwano esibhaliwe noma ngomthetho kamasipala.

138. Ubufakazi Obungakahlolwa (Prima Facie Evidence)

Ezimweni zokuthatha izinyathelo zomthetho ezenziwa ngumasipala noma egameni likamasipala, isitifiketi esikhombisa inani lemali ekweletwayo futhi efanele ukukhokhwa kumasipala, uma senziwa ngaphansi kwesandla semenenja kamasipala, noma somsebenzi ofanelekile kamasipala ogunyazwe yimenenja kamasipala noma Umenzeli weMenenja ka masipala ogunyaziwe, lapho sivezwa nje kuphela lokho kuyofakazela ubufakazi obungakahlolwa besikweletu.

ISAHLUKO 13: ABALAMULI BEZINKONZO ZAMANZI

139. Ukubhalisa

Umasipala ngokwesaziso somphakathi angafuna abalamuli bohlinzeko lwamanzi noma izigaba zabalamuli bohlinzeko lwamanzi ukuze babhalise kumasipala ngendlela eshiwo esazisweni somphakathi.

140. Ukuhlinzekwa ngamanzi

(1) Abalamuli bohlinzeko lwamanzi kumele baqinisekise ukuthi izinkonzo zamanzi, kubandakanya nezinkonzo eziyisisekelo njengoba kunqunywe ngumasipala, zinikezwa labobantu ababophezelekile ukuhlinzekwa ngezinkonzo zamanzi.

(2) Izinga, ubungako nokusimama kwezinkonzo zamanzi ezihlinzekwa ngumlamuli wezinkonzo zamanzi kufanele zihlangabezane nanoma yiziphi izimiso eziphansi ezinqunywe ngokoMthetho futhi kufanele okungenani abe ngawezimiso ezifanayo njengoba anikezwa umasipala kubathengi.

141. Imali Ekhokhwayo Yezinkozo Zamanzi Anikeziwe

(1) Umxhumanisi wezinkonzo zamanzi angeke akhokhise izinkonzo zamanzi ngentengo engahambisani nanoma yiziphi izinkambiso nazimiso ezinqunywe ngaphansi koMthetho kanye nanoma yiziphi izinkambiso nzimiso ezingeziwe njengoba kungabekwa ngumasipala.

(2) Umxhumanisi wezinkonzo zamanzi kumele ahlinzeke ngezinkonzo ezixhaswayo zamanzi, njengoba kunqunywa ngumasipala ngokwemithetho kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu ngezikhathi ezithile, futhi enikezwa ngumasipala kubathengi ngentengo efanayo noma ngaphansi kwezindleko zikamasipala ezihlinzayo.

ISAHLUKO 14: IZIBONELELO EZIJWAYELEKILE

142. Ijoka Lokuhambisana Nale Mithetho Kamasipala

(1) Umnikazi wendawo unejoka lokuqinisekisa ukuhambisana nalemithetho kamasipala maqondana nazo zonke noma yiziphi izindaba eziphathelene namanzi kanye nokufakwa nokunakekelwa kwendle.

(2) Ikhasimende linekoja lokuhambisana nalemithetho kamasipala maqondana nezindaba eziphathelene nokusetshenziswa kwanoma yimaphi amanzi nokufakwa nokunakekelwa kwendle.

143. Ukuhlinzekelwa Kwemininingwane

(1) Umnikazi, umhlali, ikhasimende noma umuntu osendaweni yokuhlinzekwa ngumasipala kufanele anikeze umasipala imininingwane eyiqiniso ecelwe ngumasipala oludingeka ngokufanelekile ngumasipala ukuze kuqaliswe noma kusebenze lemithetho kamasipala.

144. Amandla Okungena Nokuhlola

(1) Umasipala angangena futhi ahlole noma yiziphi izakhiwo nganoma iyiphi inhloso exhumene nokuqaliswa noma ukuphoqelelwa kwalemithetho kamasipala, ngazo zonke izikhathi ezifanele, ngemuva kokunikeza umhlali ohlala kuleyo ndawo inhloso yokwenza lokho.

(2) Noma ikuphi ukungena nokuhlola kufanele kwenziwe ngokuhambisana nezidingo zoMthethosisekelo waseNingizimu Afrika, ka-1996, kanye nanoma yimuphi omunye umthetho futhi, ikakhulukazi, ngokubhekisisa kakhulu isizotha nokuhleleka, ukuhlonipha isithunzi somuntu, inkululeko nokuphepha, futhi ubumfihlo bomuntu siqu.

(3) Umasipala angahambisana notolika futhi noma yimuphi omunye umuntu odingeka ngokufanelekile ukusiza izikhulu ezigunyaziwe ekwenzeni umsebenzi wokuhlola.

(4) Umuntu omele umasipala kumele, uma ecelwa, aveze umazisi wakhe.

145. Ukuxolelwa Esikweletini

Abekho abasebenzi bakamasipala noma yimuphi umuntu, umzimba, inhlangano noma inkampani esebenzela umasipala abanejoka lanoma yikuphi ukulimala okuyovela ngokungenzi kahle noma isenzo esenziwe ngokwethembeka ekwenzeni imisebenzi yabo ngaphandle kokuthi umonakalo ubangelwe okungalungile futhi isenzo sangabomu noma ubudedengu.

146. Ukukhululwa

(1) Unjiniyela angabhala akhulule umnikazi, ikhasimende, noma yimuphi omunye umuntu noma isigaba sabanikazi, abathengi, abakhokhi bentela, abasebenzisi bezinsizakalo ekuhambisaneni nokuhlinzekwa kwalemithetho kamasipala, ngokuya ngemibandela angayibeka, uma enombono wokuthi ukusetshenziswa noma ukusebenza kwaleyo nhlinzeko kuzoba okungenangqondo, inqobo nje uma unjiniyela engeke anikeze ukukhululwa kunoma yisiphi isigaba salemithetho kamasipala esingaholela ekutheni: -

(a) Kube khona Ukusaphazwa noma ukusetshenziswa ngokweqile kwezinsizakalo zokuphakelwa kwamanzi;

(b) Okuyokwenza kube nemiphumela emibi ebucayi kwezempilo zomphakathi, ukuphepha noma imvelo;

(c) Ukungakhokhelwa kwezinsizakalo;

(d) Okungenza ukuba UMthetho, noma yimiphi imithethonqubo eyenziwe, ingandelwa.

(2) Umasipala nganoma yisiphi isikhathi ngemuva kokunikeza isaziso esibhaliwe okungenani sezinsuku ezingamashumi amathathu, angahoxisa noma yikuphi ukukhululwa okunikezwe ngokwesigatshana sokuqala (1).

147. Ukungqubuzana Komthetho

Uma kukhona ukushayisana phakathi kwalemithetho kamasipala kanye neminye imithetho kamasipala, lemithetho kamasipala iyona eyosebenza.

148. Ukuhlelwa Kwesikhashana

(1) Umsebenzi wokufaka ogunyazwe ngumasipala ngaphambi kosuku lokuqala lwalemithetho kamasipala noma umsebenzi wokufaka ogunyaziwe oqhubekayo ngalolo suku kuzothathwa njengo kugunyaziwe ngokwalemithetho kamasipala; futhi umasipala, esikhathini esiyizinsuku ezinga mashumi ayisishiyagalolunye (90) ngemuva kokuqala kwalemithetho kamasipala, angagunyaza umsebenzi wokufaka ngokuhambisana nemithetho kamasipala eyayilawula lowo msebenzi ngokushesha ngaphambi kokumenyezelwa kwalemithetho kamasipala.

(2) Noma ikuphi ukubhekiswa kule mithetho kamasipala ngokukhokhiswa okunqunywe ngumasipala kuyothathwa njengokusho kwenkokhiso enqunywe ngumasipala ngaphansi kwemithetho echithwe yisigaba sekhulu namashumi amahlanu nesishiyagalombili (158), kuze kube usuku lokuqala ukusebenza kwanoma yiziphi izinkokhelo ezikhona ezinganqunywa umasipala ngokwalelemithetho kamasipala, noma imithetho kamasipala ephathelene nokulawulwa nokuqoqwa kwezikweletu, nanoma ikuphi ukubhekiswa kokuhlinzekwe emithethweni echithwe yisigaba sekhulu namashumi amahlanu nesishiyagalombili (158), kuzothathwa njengokusho komthetho ohambisanayo kulemithetho kamasipala.

(3) Noma ikuphi ukuvunyelwa, ukuvuma noma ukukhululwa okunikezwe ngaphansi kwemithetho echithiwe yisigaba sekhulu neshumi nane (114), ngaphandle kokuhlinzekwa kwesigatshana sesithathu (3), kuzohlezi kusebenza.

(4) Alikho ikhasimende eliyodingeka ukuthi lihambisane nalemithetho kamasipala ngokushintsha ukufakwa kwamanzi noma ingxenye yawo efakwe ngokuhambisana nanoma yimiphi imithetho esebenza ngokushesha ngaphambi kokuqala kwalemithetho kamasipala; inqobo nje uma, ngokubona konjiniyela, ukufakwa, noma ingxenye, kunesici noma kune simo noma isikhundla esingadala ukungcola noma ukusetshenziswa kwamanzi ngokungadingekile, ukungcoliswa kwamanzi noma ingozi empilweni, unjiniyela kungafanela akhiphe isaziso esidinga ukuthi ikhasimende lithobele izinhlinzeko zalemithetho kamasipala.

149. Ukuchithwa Kwemithetho Kamasipala Ekhona Yezinkonzo Zamanzi

Izinhlinzeko zanoma yimiphi imithetho kamasipala ephathelene nokuhlinzekwa kwamanzi nokuthuthwa kwendle ngumasipala ziyachithwa lapho zikhuluma ngezindaba ezihlinzekelwe kulemithetho kamasipala.

150. Isihloko Esifingqiwe Nokuqala Kokusebenza

(1) Lemithetho kamasipala ibizwa ngeMithetho kaMasipala Yezinnkozo Zamanzi zikaMasipala wesiFunda iSisonke.

(2) Umasipala, ngesaziso kwiGazethi yesiFundazwe, anganquma ukuthi izinhlinzeko zalemithetho kamasipala, ezibalwe esazisweni, azisebenzi ezindaweni ezithile ezisendaweni ezingaphansi kolawulo lwakhe ezibalwe esazisweni kusukela osukwini olubalulwe esazisweni.

(3) Kuze kukhishwe noma yisiphi isaziso esihlongozwe esigatshaneni sesibili (2), lemithetho kamasipala iuyabophezela.